



Monthly Information Package Guatemala

Number 225 - June 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.

Persecution and criminalization of human rights defenders continues

Former congressman Leocadio Juracán, together with other leaders of the Community Council of the Highlands (CCDA) and current congressman Aldo Dávila, denounced the persecution, led by the government and Public Prosecutor's Office (MP), against communities and people who defend human rights, during a press conference held at the Congress of the Republic on June 3. They denounced how, over the course of this year, "more than a thousand arrest warrants have been issued against" members of the organization, human rights defenders who demand constitutional rights such as the right to life, food, territory, water, development, welfare and peace. Juracán insisted that the State, rather than guaranteeing these rights, as obliged, is criminalizing those who defend them.¹

The case of María Cuc Choc is particularly stark. She was sentenced to two years (commutable) in prison. The sentence comes after 4 years of unjust criminal proceedings against her. She was accused of aggravated trespassing. The human rights defender will have to pay approximately Q7200 to avoid going to prison. "María, who was acquitted of the crimes of threats and illegal detention, was accused for an incident which occurred on December 19, 2016, during an eviction against 58 Q'eqchí' families from the Chab'il Ch'och' community. Her work as a community translator between the Maya Q'eqchí' language and Spanish, and interpreting on behalf of the evicted families, was used by the company Lisbal, S.A., to falsely accuse her of occupying land which historically belongs to this community." "It should be noted that El Estor, Izabal, is a municipality where the defenders of human rights and natural resources, in exercising their right to recover their ancestral territories, live under constant siege and in conflict with mining and monoculture companies who are increasingly occupying more space in these territories."²

Another case worth highlighting is that of the 13 Mayan Kaqchikel people of Patzún, in the department of Chimaltenango, who are facing an oral and public trial for the crimes of aggravated trespassing and coercion. These accusations arise from an incident which occurred on November 4, 2018, when the communities organized to recover the Community Center of Patzún (CECOPA), which for the last 20 years "has been co-opted by a group of people who have not been transparent about the work of the Center nor democratized the space of representation." Faced with this situation, the communities requested the intervention of the municipality, but the latter refused, so they were forced to ignore the board of directors in order to recover the center.³

Persecution against female justice operators intensifies

This month we lament a further spurious denunciation, which experts have said is without any legal foundation. The complaint was made against the former Attorney General Claudia Paz y Paz and the Human Rights prosecutor from the MP, Elena Gregoria Sut Ren. It was filed by, "a government institution currently directed by a candidate for Human Rights Ombudsman's role", which has caused suspicion. Emanuel Molina Castañeda, executive secretary of the National Office for the Prevention of Torture, filed the complaint on June 8. He accuses Paz y Paz and Sut Ren, "of the crimes of abuse of authority, torture and simulation of crime." Lawyers consulted have stressed that the complaint is an act of intimidation against prosecutors who handle

¹ Álvarez, A., *Campesinos denuncian persecución: MP lo niega*, La Hora Gt. 3.06.22.

² Iniciativa Mesoamericana de Mujeres Defensoras de DDHH, *[Alerta Defensoras] GUATEMALA / Condenan a 2 años de cárcel conmutables a la defensora maya Q'eqchi María Choc*, 30.06.2022.

³ Ramón, S.A., *Trece comunitarios de Patzún que intentaron recuperar un centro comunal, enfrentan juicio*, Prensa Comunitaria. 16.06.22.

cases relating to the Internal Armed Conflict (IAC) against members of the military who have been accused or found guilty of war crimes and crimes against humanity. According to the complaint, both prosecutors "initiated selective criminal prosecutions against former military personnel accused of crimes against humanity during the IAC in the 1980s, including the crime of forced disappearance, which they claim did not exist in Guatemalan law during the years they were committed. However, it is public knowledge that crimes against humanity, such as forced disappearance, cannot be proscribed: "as long as the remains of the victim of forced disappearance have not been found, the crime continues to be committed," explains the lawyer Lucía Xiloj. As such the complaint has no legal basis. Xiloj points out that this complaint is "a way of pressuring the prosecutors from the MP who handle cases against the military, such as the Diario Militar case, in particular the prosecutor Elena Sut, because she is involved in the Diario Militar and Creompaz cases". Similarly, the lawyer Oswaldo Samayoa points out that "without a doubt, the intention is very clear: psychological intimidation of the prosecutors in charge of handling IAC cases against the military." Furthermore, the accusation is "false and that is a crime in itself (...), both the secretary and the legal officer of the office against torture are committing a crime as well as the president of the office". Xiloj's conclusion is damning: "these people are being denounced for doing their job, (...) that is why I have stressed that these denunciations aim to intimidate the prosecutors of the MP in a context in which there are other staff from the MP who are being prosecuted for doing their job (...). Who do they want to protect by lodging these complaints?".⁴

Meanwhile, the persecution of Judge Miguel Ángel Gálvez progressed further this month: the Supreme Court of Justice (CSJ) processed a request for impeachment filed against him by the Foundation Against Terrorism (FCT). The president of this foundation had previously announced that he would denounce the judge, who is currently presiding over the Diario Militar case. "Experts are of the opinion that the denunciations and impeachments against judges weaken the proceedings they are involved in, which impacts the rule of law, the construction of democracy and independence."⁵

IACHR Annual Report: deep concern over serious human rights situation in Guatemala

The Inter-American Commission on Human Rights (IACHR) published its 2021 annual report on June 2, outlining the progress and challenges for all Member States of the Organization of American States (OAS) in the field of human rights.⁶ Guatemala was included, alongside Cuba, Venezuela and Nicaragua "in Chapter IV.B, a section which warns of situations and threats to human rights."⁷

Among the conclusions regarding Guatemala reached by the report, the following appear particularly serious: the deterioration of the rule of law due to the intensification of attacks and interference against the independence of the justice system, particularly against those institutions which, since the departure of CICIG⁸ from the country, have stood out for their independent and impartial work in the fight against corruption and impunity; the intensification of criminalization and stigmatization against independent justice operators in the country - this climate of persecution and harassment is made possible through the manipulation of criminal law and the lack of independence of the MP and its Attorney General; progressive weakening of human rights institutions through threats and stigmatization against the Human Rights Ombudsman (PDH), as well as the obstruction of the work of this institution; serious impact on the access to justice of the Guatemalan population, especially women, indigenous peoples and victims of the IAC; persistence of serious risks to journalists, as well as in the defense of human rights due to the continuous acts of violence and criminalization and judicial persecution processes.

Given this situation "the IACHR urges the State to reaffirm its political commitment to the fight against corruption and impunity, by strengthening the justice system and respecting its independence, as well as through decisive measures for the investigation and prosecution of any form of corruption that affects the full enjoyment of human rights in Guatemala" (for more information on the conclusions and concrete recommendations, see the report).⁹

⁴ Calles, J., *Denuncia contra Claudia Paz y Paz y Elena Sut, "un acto de intimidación sin sustento legal"*, Prensa comunitaria, 09.06.22.

⁵ Calles, J., *Ataques contra juez Gálvez afectan al Estado de derecho, la democracia y la independencia judicial*, Prensa comunitaria, 16.06.22.

⁶ CIDH, *Informe Anual 2021*.

⁷ Prensa Libre, *Guatemala vuelve a la lista negra de violaciones a los derechos humanos de la CIDH*, 02.06.2022.

⁸ Comisión Internacional Contra la Impunidad en Guatemala.

⁹ CIDH, *Capítulo IV.b, Guatemala*, Informe Anual 2021.

The Guatemalan government has expressed its disagreement with the findings from this report, claiming that Guatemala "is a peaceful country, which is respectful of human rights and constitutional principles."¹⁰ President Giammattei went further, pointing out errors made by the IACHR in its methodology and the inclusion Guatemala in the report, the procedure for making it public "and called the commission extortionists."¹¹ However, civil society organizations highlighted, in a presentation made to the IACHR at the end of June, the worrying panorama of human rights violations and criminalization of justice operators, journalists and human rights defenders in the country.¹²

Failure of the ruling party to remove Jordan Rodas does not dissolve concern for the future of the PDH

Throughout his term in office, the current Human Rights Ombudsman, Jordan Rodas, "has become aware of seven attempts to remove him" from his post. He was notified about the most recent of these on May 31, when the Legislative Commission of Human Rights of the Congress decided, by majority vote, to present the proposal for his removal to the congressional plenary. To justify this impeachment attempt, they alleged that Rodas did not comply with his functions "when he ran for rector of the USAC (University of San Carlos)", on the assumption that "he would have campaigned during working hours without the approval of the Congress."¹³ However, the ruling alliance which sought his dismissal failed to obtain the 107 votes necessary. Rodas responded by declaring that the law provides for seven conditions under which his dismissal may be considered and that he has not committed any of them.¹⁴

Despite the fact that, on this occasion, sanity prevailed, there is concern that once Jordan Rodas' term as head of the PDH ends in 2022, the imminent co-optation of the State will allow for "the ruling alliance in Congress to retake control of the PDH by electing one of their sympathizers" and thus neutralizing, definitively, "the claims of citizen conscience that have hindered them during Rodas' mandate(...). The function of the Attorney General's Office could be defined as a kind of arbiter of conscience that should not overlook the faults and violations of rights that the State inacts against its own citizens". The possible future co-optation of the PDH is of great concern, since it is one of the remaining institutions which has resisted co-optation, especially as its "its denunciations, legal actions and close collaboration with civil society have begun to irritate the conglomerate of politicians, military and businessmen who have been accused of rights violations".¹⁵

¹⁰ Contreras, L., *Canciller guatemalteco sostiene encuentros con representantes de CIDH y USAID*, Agencia Guatemalteca de Noticias, 09.06.22.

¹¹ Román, J. Y EFE, *Giammattei acude a la OEA y señala a la CIDH de "extorsión", cuestiona su "sesgo ideológico" y señala fallos en su informe de derechos humanos*, Prensa Libre, 28.06.22.

¹² Boche, E., *Los hechos que desmontan las versiones oficiales ante la CIDH*, 24.06.22.

¹³ Cuevas, D., *Oficialistas aún no consiguen los 107 votos para destituir al PDH*, Prensa Libre, 08.06.22.

¹⁴ Blanco, E., *Alianza oficialista falla en intento de destitución del PDH*, La Hora, 02.06.22.

¹⁵ Tor, D., *La inminente cooptación de la PDH*, No-Ficción, 05.07.2022.

2. ACCOMPANIMENTS¹⁶

*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.*¹⁷

THE FIGHT AGAINST IMPUNITY

This month we met with Edgar Perez, director of the **Human Rights Law Firm (BDH)**, who updated us on the cases they are currently working on and we planned our next accompaniments. We also maintained telephone communication with the rest of the team to follow up on their activities.

THE ISSUE OF ACCESS TO LAND

As part of our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces Region**, we followed up on the judicial eviction carried out in the community of Joventec on June 15 and maintained close contact with Lesbia Artola and Imelda Teyul, the organization's coordinators. Both of them, as well as other members of the organization, shared their deep concerns about the increase in criminalization processes against human rights defenders, as well as the violent evictions of indigenous and peasant communities which have taken place in recent months.

This month we paid two visits to the criminalized and imprisoned human rights defenders, Jorge Coc Coc and Marcelino Xol Cucul, who are also members of the CCDA.

We met with the legal team of the **Union of Peasant Organizations Las Verapaces (UVOC)** to receive updated information on the criminalization cases the organization accompanies. We also attended the exceptional hearing for the review of alternative measures for the criminalized and imprisoned human rights defender David Alejandro Maxena, on June 7. The judge ordered the provisional release of the accused, although this did not happen automatically due to procedural allegations by the opposing party. We also visited David at the Cobán Preventive Detention Center on several occasions.



On June 29, we attended the hearing of another criminalized human rights defender, Justino Xolim, in Cobán and we accompanied UVOC members to a healing meeting for women human rights defenders facilitated by the Tzk'at - Network of Ancestral Healers from Community Feminism.



DEFENSE OF THE TERRITORY

Regarding the **'New Day' Ch'orti' Campesino Central Coordinator (CCCND)**, we accompanied members of the organization to a summons before the MP in Jocotán. We also held a meeting with one of the leaders to update us on the activities they have carried out over the last year.

Regarding the **Peaceful Resistance, Cahabón**, we met several times with Bernardo Caal Xol, to update us on their situation and upcoming activities. We also maintained telephone contact with other members of the Resistance.

¹⁶ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹⁷ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

Regarding the **Tzk'at - Network of Ancestral Healing from Community Feminism**, we carried out monitoring and telephone accompaniment actions within the framework of their activities. We also had the opportunity to meet with one of their coordinators to update us on the situation of the Network and its activities. During the final days of the month we accompanied Tzk'at to the aforementioned meeting of women human rights defenders.

Within the framework of our accompaniment of the **Olopa and Quezaltepeque, communities**, we



accompanied six criminalized indigenous authorities, from the communities of Olopa, to two hearings related to their case. In the first hearing, which took place on June 6, the judge ruled that the presence of the defendants was unnecessary and that they could be represented by their lawyers at the next hearing. We attended a hearing in the the evidence phase on June 9, which continued the judicial process. At the hearing, which was presided over by a different magistrate, the need for the presence of the six criminalized persons was demanded and the beginning of the debate phase was set for May 10, 2023. We took advantage of our visit to the region to update ourselves on the situation and activities of both communities.

On June 22, we accompanied Abelino Salvador Mejía and members of the Pajales Sector Sis community, members of the **Community Council of Retalhuleu (CCR)**, to a meeting with the Retalhuleu Governor's Office. The objective of the meeting was to discuss with the new governor, Martha Bolaños, the high risk of flooding faced by the community due to the use of the Sis river by the sugar mills. They also shared their great concern for the scarcity of water they are experiencing as a result of the "kidnapping" of the vital liquid by the sugar mills. We continue to monitor the organization's defenders who are facing criminalization.



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:

- Jennifer Echeverría, Human Rights Focal Point and Human Rights Defenders and Project Officer at the **Delegation of the European Union in Guatemala.**
- Gro Dahle, Counselor for Central America and Fernando Abril, Advisor for Central America at the **Norwegian Embassy in Mexico.**

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

- Higinio Coc, Officer with the National Civil Police (**PNC**) in **Alta Verapaz.**
- Dario Chamale, Chief of Service and Yoni Espinoza, **PNC Officer in Chiquimula.**
- Yesenia Sandoval, Human Rights Assistant at the **PDH in Chiquimula.**
- Herbert Roderico Carranza Guzmán, Head of Administration of the **Governor's Office of Chiquimula.**
- Luis Pérez, from the Office of the Secretary of the Departmental Police Station at the **PNC in Retalhuleu.**

4. OTHER ACTIVITIES OF PBI GUATEMALA

We organized a **meeting between PBI and the organization we accompany in Alta Verapaz** in Coban on June 14. Members of CCDA, UVOC, Tzk'at Network, AVECHAV and the Peaceful Resistance, Cahabón participated. Together we analyzed the impacts of PBI accompaniment in the region and conducted a joint analysis of the current situation and the security situation.

We organized a **security workshop for human rights defenders from CCDA** in Coban on June 23 and 24. The objective of the workshop was to deepen the knowledge of the rights of defenders and how the legal system functions. Participants also had the opportunity to consult with a lawyer specialized in human rights.

5. 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:

- Rafael Reig, Spanish representative at the COLAC (relations with Latin America and the Caribbean) and COHOM (human rights) Working Groups of the **European Council.**
- Djamila Chikhi, responsible for Latin America in the Secretariat of the Subcommittee on Human Rights of the **European Parliament.**
- Karolien Kras, Guatemala desk at the **European External Action Service**, and Raphael Warolin of the Human Rights Unit of the same body.
- Wouter Hogt, Central America desk at the **Ministry of Foreign Affairs of the Netherlands.**
- Mariana Duque, French representative at the COHOM Working Group of the Council of the European Union and Louis Doucet, French representative at the COLAC Working Group of the Council of the European Union.

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.

CONVERGENCIA POR LOS DERECHOS HUMANOS



LA ABERRANTE INICIATIVA 6076 VIOLA DERECHOS HUMANOS

La iniciativa 6076 o Ley para el fortalecimiento de las fuerzas de seguridad pública y del ejército de Guatemala, viola derechos humanos. La misma fue presentada el 10 de mayo por seis diputados de la Unión del Cambio Nacional (UCN), partido cuyo secretario general guarda prisión, acusado de narcotráfico y lavado de dinero.

Los congresistas Napoleón Rojas, Julio Lainfiesta, Andrea Martínez, Arnulfo García, Mynor Castillo y Byron Arreaga, son ponentes de una iniciativa que con un lenguaje rebuscado, pretende incorporar al Ejército de Guatemala en acciones represivas al estilo contrainsurgente y, elevar a calidad de fuerza de seguridad pública, a la Secretaría de Asuntos Administrativos y de Seguridad de la presidencia (SAAS), ahora prácticamente militarizada, así como a la Guardia Penitenciaria.

La propuesta de ley presentada por la UCN, viola abiertamente los compromisos del Estado de Guatemala en materia de convenios internacionales de derechos humanos tales como, la Declaración Universal de Derechos Humanos, la Carta Interamericana de Derechos Humanos y el Pacto Internacional de Derechos Civiles y Políticos.

En el ordenamiento jurídico interno, la desatinada iniciativa 6076 viola flagrantemente la Constitución Política de la República en lo relativo a las libertades y derechos civiles y políticos, así como a la rendición de cuentas de las autoridades. Al mismo tiempo, el artículo 2 es una clara garantía de impunidad para agentes de seguridad que transgredan la ley, a quienes, además se habrá de cubrir los gastos de defensa a costa del presupuesto nacional. Vulnera el principio de independencia judicial y sana crítica razonada de titulares de los tribunales, al ordenar la imposición de medidas sustitutivas ante cualquier delito cometido por elementos de las fuerzas de seguridad, cuando una ejecución extrajudicial o asesinato, por ejemplo, no lo permiten. Esto implica una especie de tribunal de fuero especial para agentes de seguridad infractores y violadores de derechos.

De igual forma, ignora las regulaciones contenidas en la Ley Marco del Sistema Nacional de Seguridad y viola abiertamente el principio de separación de ámbitos al extender a la SAAS y a la Guardia Penitenciaria, el marco de actuación fuera de sus funciones. Con ello queda violentado también el sistema de controles democráticos que debe regir al sistema de seguridad en Guatemala, de acuerdo con la ley de la materia.

En virtud de ello, desde la Convergencia por los Derechos Humanos:

1) Al rechazar la aprobación de la iniciativa 6076, **exigimos** al pleno del Congreso de la República que la desestime de inmediato pues, de incorporarla a la discusión y aprobación, quienes participen de dicho acto cometerán ilegalidades y violarán la ley.

2) **Invitamos** a los organismos internacionales de derechos humanos, de los cuales el Estado de Guatemala forma parte, a pronunciarse ante esta aberración jurídica que cercena derechos y libertades.

3) **Llamamos** a la sociedad guatemalteca a movilizarse y pronunciarse en defensa de sus derechos y contra la arbitrariedad que pretenden legalizar, diputados cuya vinculación con eventuales estructuras criminales es altamente sospechosa.

Guatemala, 23 de junio de 2022

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