



## Monthly Information Package Guatemala

Number 226 - July 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.*

#### Serious risk to press freedom in Guatemala

On the afternoon of July 29, police raided the offices of the newspaper elPeriódico, detaining the staff over a number of hours. This newspaper regularly publishes information on corruption cases involving members of the government, congress and the higher courts. Two other raids were also carried out: at the residence of José Rubén Zamora, president of elPeriódico, and at the residence of Samari Carolina Gómez Díaz, prosecutor at the Special Prosecutor's Office Against Impunity (FECI). Both were arrested. The following day they were informed of the crimes they are accused of: Zamora is accused of money laundering, blackmail and peddling influence; Gómez Díaz is accused of allegedly disclosing confidential or reserved information. Both have declared that they do not know the context of such accusations.<sup>1</sup>

These incidents have provoked consternation from national and international actors, such as the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Inter-American Commission on Human Rights (IACHR), journalists' associations, media, civil society organizations, business associations and congress people from other countries who have demanded that Guatemalan authorities respect freedom of expression and due process.<sup>2</sup> According to Juan Pappier, from Human Rights Watch, Zamora's arrest is a watershed and may "end up being a turning point for press freedom in Guatemala, (...) a signal that generates a lot of fear for the independent journalists that are still investigating corruption in the country."<sup>3</sup>

The IACHR granted precautionary measures to Rubén Zamora in 2003, after he was the victim of several attacks which continued over the following years. Last year he himself informed the office of the Special Rapporteur for Freedom of Expression of the activation of criminal proceedings against him.<sup>4</sup>

#### Huge doubts over the election of the new Human Rights Ombudsman

The Guatemalan Congress elected José Alejandro Córdova as the new Human Rights Ombudsman on July 20, with 141 votes out of 160. Both the nature of process and the new ombudsman have been questioned by various social organizations. A press release from the Coordinator of NGOs and Cooperatives, CONGCOOP, rejected his election, stating that "Córdova lacks exemplary conduct to hold the position, having maintained contact with the political operator Gustavo Alejos, an influential character in the nomination processes of members to country's judiciary and also the main suspect" in the "parallel commissions" case.<sup>5</sup> According to investigations by the now disbanded International Commission Against Impunity in Guatemala (CICIG) and the FECI, Córdova and other officials, maintained direct contact with Alejos to "negotiate the judicial appointments" from February to July 2020.<sup>6</sup>

<sup>1</sup> Barreno Castillo, R. y Solórzano, S., *"Hasta ahora no tengo la menor idea de por qué estoy vinculada con este caso", afirma auxiliar fiscal de Feci en caso contra José Rubén Zamora*, Prensa Libre, 30.07.2022.

<sup>2</sup> Gutierrez, C., *Continúan muestras de apoyo para Jose Rubén Zamora y "elPeriódico"*, elPeriódico, 30.07.2022.

<sup>3</sup> Miranda W., *El presidente de Guatemala emprende una cruzada para acallar al periodismo que revela la corrupción*, El País, 01.08.2022.

<sup>4</sup> Gándara, N., *Captura de José Rubén Zamora de elPeriódico alarma a entidades internacionales*, Bloomberg, 30.07.2022

<sup>5</sup> Gramajo, J., *Nuevo PDH está sindicado en el caso Comisiones Paralelas 2020*, Soy 502, 20.07.22 y Comunicado CONGCOOP, *Rechaza la elección de José Alejandro Córdova a la PDH*, julio 2022.

<sup>6</sup> Sapalú, L., *El nuevo PDH y sus más de 60 mensajes en WhatsApp con Gustavo Alejos*, La Hora, 24.07. 22.

Criticism arose even before the appointment by Congress where, since June of this year, opposition deputies have demonstrated their reservations regarding the selection process for the shortlist of three candidates which was under the responsibility of the Human Rights Commission of the Congress. This commission led several initiatives to remove the then Attorney General, Jordán Rodas, him from his position before the end of his term (see MIP 225).

### **Indignation continues over the appointment of Walter Mazariegos, new rector of USAC**

Walter Mazariegos was officially inaugurated as rector of the Universidad de San Carlos de Guatemala (USAC) on July 1. The inauguration took place in near secrecy, with practically no prior announcement or invitation.<sup>7</sup> The silence exacerbated an already indignant public over his appointment and there have been several expressions of popular discontent since then, mainly from the university community throughout the country. As far back as May, some faculties of the USAC in Guatemala City and in the East (CUNORI), began peaceful takeovers of educational facilities which have continued through the present, rejecting the election of Mazariegos.<sup>8</sup>

Within the framework of these demonstrations, students gathered at the USAC Museum (MUSAC) reported security incidents during the election of the new Human Rights Ombudsman in the Congress of the Republic. According to the university students excessive police force was deployed around the building and drones were flown overhead for hours despite it being a peaceful sit-in.<sup>9</sup>

The student resistance has lasted more than 100 days and continues to grow with the announcement of an indefinite strike by the Centro Universitario de Noroccidente (CUNOC) of the USAC. The students of this campus indicated that they do not recognize and reject Mazariegos university rector, as well as the procedures that led to his election. Finally, in the communiqué notifying the cessation of activities and the seizure of facilities, the students demanded that, as a condition for lifting the strike, new elections be held to reverse the results of what they have called a fraudulent process.<sup>10</sup>

### **New bill seeks amnesty for military involved in crimes against humanity**

In the current context of criminal prosecution against judges such as Pablo Xitamul and Miguel Angel Galvez and against the former Attorney General of the Public Ministry (MP) Claudia Paz y Paz and the prosecutor of the Diario Militar case Elena Sut (see MIP 225), who have tried dozens of former members of the high military command for war crimes, several members of congress aligned to military and ultra-right sectors have presented a bill (6099) which seeks to prohibit the trial of members of the army, state security forces and insurgent groups for any act committed during the Internal Armed Conflict (1960-1996). This initiative, like previous ones, ignores national and international jurisprudence and legislation which establishes that crimes against humanity and forced disappearance cannot be given amnesties. "The proposal not only intends to ensure impunity in the future. It also orders the courts to release people who have been sentenced, even if the sentence is final and if the process is ongoing, the judge must close the case immediately."<sup>11</sup>

<sup>7</sup> Vásquez, J., *USAC: Mazariegos se proclama rector y propone a sus primeros allegados*, La Hora, 01.07.22.

<sup>8</sup> Pérez, R., *Estudiantes toman la USAC de manera indefinida en rechazo al fraude*, Prensa Comunitaria, 19.05. 2022; elPeriódico, *Estudiantes de CUNORI se unen a protesta y toman edificio*, 21.05. 2022.

<sup>9</sup> Prensa Comunitaria, *Diario por la Dignidad y el Rescate de la USAC: 20J*, 24.07.22.

<sup>10</sup> Toledo, F., *En rechazo al rector Mazariegos, estudiantes del Cunoc se declaran en paro*, La Hora, 24.07.22.

<sup>11</sup> España, M., *La movida de los diputados para sacar de prisión a los militares*, Quorum, 20.07.2022.

## 2. ACCOMPANIMENTS<sup>12</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>13</sup>*

### THE FIGHT AGAINST IMPUNITY

We accompanied lawyers from the **Human Rights Law Firm (BDH)** to a hearing in the CREOMPAZ case on July 1. The accused in this case, Carlos Augusto Garavito Morales, requested alternative measures. The former military officer, who has been in preventive detention for more than six years, argued that the deprivation of liberty to which he has been subjected constitutes a violation of his human rights. The court determined, however, that the circumstances which demanded the application of these measures had not changed, so there is no basis for a change in those measures. We also maintained telephone contact with the other members of the BDH and visited their offices to directly follow up on other cases and processes.

Regarding the **Residents' Association of Chicoyogüito, Alta Verapaz (AVECHAV)**, who are plaintiffs in the CREOMPAZ case, we accompanied them to the aforementioned hearing, which they attended as observers. We also accompanied them during the commemoration of the 54th anniversary of the violent eviction from their territory on July 28.

### THE ISSUE OF ACCESS TO LAND

As part of our accompaniment of the **Community Council of the Highlands (CCDA)** - Las Verapaces Region, we accompanied its coordinators, Lesbia Artola and Imelda Teyul, to their summons for a conciliatory hearing at the MP of Carchá. The proceedings were held outdoors due to the number of people summoned. Both human rights defenders were indicted.

We are deeply concerned about the increase of criminalization processes against human rights defenders in the region, as well as the incessant violent evictions of indigenous and peasant communities.

On July 20, we accompanied another public hearing which took place at the Supreme Court of Justice, regarding the case of the criminalized and imprisoned community leaders Jorge Coc Coc and Marcelino Xol Cucul. The allegations that justify the extraordinary appeal for cassation, filed by the lawyer and the defense attorney against the sentence that condemned them to 35 years in prison, were presented during the hearing. They have been charged with homicide and attempted homicide. This decision was issued by the Criminal Court of Cobán, Alta Verapaz and subsequently appealed, but confirmed on August 12, 2020 by the Court of Appeals in the same locality. An appeal was filed against this last judicial pronouncement on this day.

We also maintained telephone and in-person contact with other CCDA members to follow up and accompany their activities.



<sup>12</sup> We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

<sup>13</sup> 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 **Union of Peasant Organizations Las Verapaces (UVOC)**, we accompanied the hearing of the criminalized and imprisoned human rights defender, David Alejandro Maxena, on July 18. He was informed at the hearing that, following the appeal made by the opposing party in the case, the substitutive measures which had been approved on June 7, 2022 were revoked and, as such, he will have to remain in preventive detention. The next scheduled hearing will take place on August 2, 2022. On July 26, we were present at the hearing of Justino Xollim Tilm, who is accused of illegal logging.



During our field visits, we had the opportunity to meet with members of UVOC's board of directors and members of the various communities whom UVOC accompany. During the course of these meetings, they shared their deep concerns regarding the continuous evictions that are taking place in Las Verapaces with us. In fact, on July 27, we followed up on the attempted judicial eviction of four communities located within the San Rafael farm, which was eventually suspended.

### DEFENSE OF THE TERRITORY

On July 3, we visited the **Peaceful Resistance of La Puya** to meet with several of its members and who updated us on their situation. Taking advantage of the visit we also accompanied the monthly mass held by the communities.



With respect to the **'New Day' Ch'orti' Campesino Central Coordinator (CC-CND)**, we held a meeting with several of their leaders who updated us on the activities they have carried out during the last year.

Regarding our accompaniment of **Chinautla Multisector**, we accompanied the Resistance to a meeting with Congressman Aldo Davila, the Ministry of Energy and Mines (MEM), the Ministry of Environment and Natural Resources (MARN) and delegates from the Human Rights Ombudsman's (PDH) office. The purpose of the meeting was to review the current status of the sand mining licenses that affect their territory. Two days later, on July 8, we observed a press conference organized in front of the

MEM in which Deputy Dávila spoke. After his conference, a new meeting was held in which they were able to obtain a document specifying the expiration of the license for the La Primavera sand mine and the San Luis stone quarry.

In this context we accompanied a peaceful sit-in organized by the Chinautla, Resistance following the expiration of the companies' extraction permit. In addition, we observed the roundtables for dialogue held by the Multisector together with transporters, businessmen and the PDH on July 18. Alongside the sit-in the day was marked by the demands from the transporters to enter the sand pits. There was also the presence of riot police from the National Civil Police (PNC) and the press. At the first roundtable for dialogue, agreements were signed whereby extraction could not continue until the current license renewal was resolved. These agreements were revoked at the second roundtable.

Regarding the **Tzk'at - Network of Ancestral Healers from Community Feminism**, we were able to attend a meeting between its members and other international human rights organizations on the 14th. We

carried out monitoring and telephone accompaniment tasks within the framework of their activities as we do every month.

During our trip to Champerico we met with members of the **Community Council of Retalhuleu (CCR)**, who updated us on their activities and current situation.

### 3. POLITICAL ACCOMPANIMENT

*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:

- Aitor Liendo Villar, human rights officer of the **OHCHR**.

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

- Widman Barrios, Officer at the **PNC, Champerico**.
- Mario Mejilla, Secretary of the **Mayor's Office of Champerico**.
- Sergio Pinelo, official of the **Presidential Commission for Peace and Human Rights (COPADEH) of Alta Verapaz**.
- Lourdes Molinero, assistant to **the Governor, Departmental Government of Alta Verapaz**.
- Sandra Ico, secretary of the **PNC, Coban**.

### 4. OTHER ACTIVITIES OF PBI GUATEMALA

This month two healing encounters facilitated by TZK'AT - Network of Ancestral Healers of the Territorial Community Feminism from Iximulew took place:

- The meeting, held on July 11-12, was regional in nature. 40 women defenders from Colombia, Guatemala, Honduras and Mexico, all accompanied by PBI projects based in these countries, exchanged their experiences of peaceful struggle for rights and learned and shared ways of healing to confront the different threats they face in their work in defense of the body-earth territory.
- The July 25-26 meeting was held with more than 20 women defenders from the Olopa and Quezaltepeque Resistances and CCCND.

### 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:

- Malin Lampio, representative of Sweden in the COLAC and COHOM working groups of the the **European Council**.
- Tomás Reyes Ortego, chair of the **COLAC working group** and several representatives of Member States.

## 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.*



**B'OQ'OL Q'ESAL TENAM TX'AUL, K'USAL, NAAB'A'**  
**ALCALDIAS INDÍGENAS DE LA REGIÓN IXIL, CHAJUL, COTZAL Y**  
**NEBAJ, EL QUICHÉ**



**LOS B'OQ'OL Q'ESAL TENAM TX'AUL, K'USAL, NAAB'A'**  
**AUTORIDADES INDÍGENAS ANCESTRALES DE LA REGIÓN IXIL, CHAJUL,**  
**COTZAL Y NEBAJ**

### **MANIFESTAMOS**

1. Nuestro rechazo e indignación por los actos protagonizados la tarde del día viernes 27 de julio del año 2022, por el Ministerio Público, Policía Nacional, con la autorización del Organismo Judicial, en las instalaciones del medio de comunicación escrito “El Periódico” y la residencia su presidente, el señor José Rubén Zamora. Las excusas presentadas por el Fiscal responsable de la Fiscalía Contra la Corrupción e Impunidad –FECI– sobre reserva del caso, no justifican la forma de actuar tanto de la Fiscalía, la Policía Nacional Civil y el Organismo Judicial que se encuentran totalmente desacreditados frente a la Población y la comunidad internacional.
2. No es primera vez que ocurren estos hechos, son varios casos de ataques en contra de periodistas protagonizados por funcionarios y empleados públicos, especialmente Policía Nacional Civil, en contra de diversos medios de comunicación y periodistas independientes.
3. El 16 de junio del año 2022, enviamos una carta abierta a la Corte Suprema de Justicia y le manifestamos que una justicia cooptada es uno de los elementos que indica el inicio de una dictadura.

### **UN GOBIERNO QUE REPRIME LA LIBERTAD DE EXPRESIÓN Y EMISIÓN DEL PENSAMIENTO NO ES DEMOCRÁTICO, NI REPUBLICANO, ES UNA DICTADURA**

1. Nos sumamos a las manifestaciones de solidaridad con el señor José Rubén Zamora, su familia y el medio de comunicación escrito “El Periódico” del cual es presidente el señor Zamora; así como los trabajadores de dicho medio de comunicación que estuvieron retenidos ilegalmente.
2. Repudiamos las acciones realizadas por el Ministerio Público, las excusas del Fiscal Jefe de la FECI, integrante de la lista de corruptos señalados por Estados Unidos, quien se escuda en la reserva del caso, así como el uso de vehículos sin placas en el operativo, entre otras cosas.
3. Pedimos a las Asociaciones Guatemaltecas de Periodistas Independientes y a la Federación Internacional de Prensa, dar acompañamiento al proceso del señor José Rubén Zamora, para evitar implantación de pruebas, fabricar delitos y justificar la represión del periodista; así mismo, pedimos el mismo acompañamiento a los periodistas que están sufriendo la misma represión, pero que no tienen la cobertura mediática suficiente.
4. Pedimos a la Relatoría Especial para la Libertad de Expresión y a su relator especial señor Pedro Vaca Villarreal; así como a la Relatora Especial sobre Libertad de opinión y de expresión de Naciones Unidas, señora Irene Khan, a la Oficina del Alto



**B'OO'OL Q'ESAL TENAM TX'AUL, K'USAL, NAAB'A'**  
**ALCALDIAS INDIGENAS DE LA REGIÓN IXIL, CHAJUL, COTZAL Y**  
**NEBAJ, EL QUICHÉ**



Comisionado de Naciones Unidas para los Derechos Humanos y a la Comisión Interamericana de Derechos Humanos, condenar estos mecanismos corruptos utilizados por el gobierno de Guatemala para reprimir periodistas y medios de comunicación independientes.

5. También pedimos a la Oficina del Alto Comisionado de Naciones Unidas para los Derechos Humanos y a la Comisión Interamericana de Derechos Humanos, garantizar el ejercicio de la libertad de prensa en Guatemala, por ser un derecho y pilar fundamental, de la democracia y del Estado de derecho, constitucional, democrático y republicano.

6. A la población de Guatemala, maya, xinka, garífuna y mestiza, no permitir que lo poco que nos queda de democracia siga siendo vilipendiado por gobiernos y funcionarios corruptos.

7. Rechazamos la exageración que se hace de un supuesto atentado en contra del señor Alejandro Giammattei en Huehuetenango, con el que pretende crear una cortina de humo para desviar la atención de la población y comunidad internacional, con relación a la detención del señor José Rubén Zamora y el ataque a la libertad de emisión de pensamiento, expresión y conciencia, regulado en el artículo 35 de la Constitución Política de la República.

Territorio Ixil, 31 de julio del año 2022.

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**GUATEMALA PROJECT**  
**PEACE BRIGADES INTERNATIONAL**

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