



## Monthly Information Package Guatemala

Number 227 - August 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.*

#### **Alarming increase in attacks against human rights defenders<sup>1</sup>**

A report presented by the Unit for the Protection of Human Rights Defenders in Guatemala (UDEFEUGA), which analyses the period from January to June 2022, shows an alarming increase in attacks against human rights defenders across the different sectors in which they carry out their essential work. Jorge Santos, coordinator of UDEFEUGA, states that "Guatemala is witnessing increased repression and political persecution against those who defend human rights or defend fundamental rights in the country... The aggressions are being directed especially against justice operators, journalists, and environmental rights defenders, who are subjected to a climate of harassment, persecution and spurious criminal proceedings taken against them." 2,646 attacks against Guatemalan human rights defenders have been recorded during the two and a half years of Alejandro Giammattei's presidency.

Those who have experienced the greatest number of attacks (272) include justice operators (judges, court personnel, prosecutors, assistant prosecutors, members of the Human Rights Ombudsman's Office -PDH-); followed by those seeking justice for crimes committed during the Internal Armed Conflict (IAC), relatives of victims of femicide and common violence (114); journalists and communicators (51) and people defending environmental rights (47).

#### **Persecution and criminalisation of elPeriódico continues**

The National Civil Police (PNC) and the Public Prosecutor's Office (MP) raided the offices of the newspaper elPeriódico on Friday July 29. They arrested José Rubén Zamora Marroquín (see PIM 226), journalist, president and founder of the media outlet, who is known for his investigations into cases of corruption in the Guatemalan government over the past decade. Following several suspended hearings, Judge Fredy Orellana indicted him on suspicion of having committed the crimes of influence peddling, blackmail and money laundering on August 9. Samari Carolina Gómez Díaz, the assistant prosecutor of the Special Prosecutor's Office against Impunity (FEI), was charged alongside Zamora for allegedly disclosing confidential or reserved information. Ronald García Navarajo, a former banker accused of corruption in 2017, is responsible for accusing both Zamora and Díaz.<sup>2</sup>

In addition, the financial and administrative director of elPeriódico, Flora Silva Flores, was notified of the reason for her arrest in the same case on 22 August by the Criminal Court of First Instance (after experiencing a raid on her home that lasted more than six hours). She is accused of conspiracy to commit the crime of laundering money and other assets.<sup>3</sup>

Following the first declarations of the Zamora and Flores of elPeriódico both remain in the Mariscal Zavala prison "together with more than a dozen other ex-officials who have been denounced in the media for corruption."<sup>4</sup>

<sup>1</sup> Calles, J., [Agresiones contra defensores de derechos humanos crecen exponencialmente en el gobierno de Giammattei](#), Prensa Comunitaria, 24.08.2022.

<sup>2</sup> EFE, [SIP reitera exigencia de garantías procesales y condiciones de seguridad para periodista Jose Rubén Zamora](#), Prensa Libre, 11.08.2022.

<sup>3</sup> Muñoz, Geldi., [Juez notifica a Directora Financiera y Administrativa de "elPeriódico" su detención](#), El Periodico. 21.08.2022.

<sup>4</sup> Pérez, Cesar., [Flora Silva Flores, gerente financiera de elPeriódico, sale del hospital y la trasladan a Mariscal Zavala](#), Prensa Libre. 23.08.2022.

Human Rights Ombudsman Jordán Rodas told La Hora that the work of Zamora and elPeriódico "has been attacked and criminalized by different regimes."<sup>5</sup> The Association of Journalists of Guatemala (APG) and its Press Freedom Commission expressed their rejection of these incident which confirm the efforts to establish a dictatorial state in Guatemala.<sup>6</sup> According to the mid-year report published at the end of July by the association, "the statistics and the image of Guatemala at international level confirm this scenario. During the first half of 2022, the APG's Journalists' Observatory recorded 66 significant violations of this right, including acts of violence and restrictions against journalists." APG points out that since the inauguration of the current government of Alejandro Giammattei, they have registered 350 attacks against the press.<sup>7</sup>

### **International Day of the World's Indigenous Peoples: persistent exclusion, inequality, racism and discrimination**

August 9 marked the International Day of the World's Indigenous Peoples, established by the United Nations (UN) "with the aim of raising awareness of the needs of these populations, of which there are some 476 million in some 90 countries." According to the UN, indigenous peoples are among the "most disadvantaged and vulnerable populations in the world, representing 15 percent of the world's poorest people." According to Guatemala's 2018 Population and Housing Census 44 per cent of the population self-identify as indigenous: Maya, Garifuna, Xinca or Afro-descendant. It is the Latin American country with the highest percentage of population that "self-identifies as indigenous, according to reports by the Economic Commission for Latin America (ECLAC); it is also the ninth in terms of countries with the greatest diversity of indigenous peoples, at 24, and seventh in terms of language diversity, also at 24." Despite the importance of these peoples and the state's duty to guarantee their rights, it is "indigenous households" which suffer the highest rates of poverty. This is reflected in the State's failure to satisfy their most basic needs, where indigenous peoples routinely experience overcrowding in their homes and very limited access to water, sanitation, primary education and means of subsistence.<sup>8</sup>

In response to this bleak panorama, the Inter-American Commission on Human Rights (IACHR), issued a statement on International Day of the World's Indigenous Peoples this year, calling on States across the Americas to "build new relations with indigenous peoples based on respect for their self-determination, in order to overcome historical legacies of discrimination, racism and colonialism."<sup>9</sup>

For their part, indigenous peoples continue to denounce repression and violations of their rights, and to express their dissatisfaction with measures that threaten their freedoms. In fact, on August 9 this year they held demonstrations, sit-ins and road blockades throughout the country.<sup>10</sup> These demonstrations were joined by social, civil, student and women's groups "to protest against corruption, the high cost of living and the criminalization of human rights defenders, justice operators and journalists." In addition, "in the capital, students and teachers from the University of San Carlos of Guatemala (USAC) blocked Avenida Petapa to reject the election of Wálter Mazariegos as university rector and in support of the mobilizations of indigenous peoples in the interior of the country." Riot police from the National Civil Police (PNC) arrived on the scene, "and negotiated with the students to clear the demonstration. The students withdrew after the arrival of the police forces and expressed concerns over the deployment of the riot police who they believe were sent to intimidate them."<sup>11</sup>

<sup>5</sup> La Hora, [PDH da acompañamiento a elPeriódico y Zamora](#), 29.07.2022.

<sup>6</sup> La Hora., [APG: acciones contra Zamora y elPeriódico remarcan instauración de Estado dictatorial](#), 29.07.2022.

<sup>7</sup> La Hora., [APG: Estado censor limita la labor periodística; van 350 casos en este gobierno](#), 29.07.2022.

<sup>8</sup> Morales, S., [Día internacional de los pueblos indígenas: población crece y condiciones no mejoran](#), Prensa Libre, 09.08.22.

<sup>9</sup> CIDH, [En el Día Internacional de los Pueblos Indígenas, la CIDH llama a los Estados a construir nuevas relaciones con los pueblos indígenas basadas en el respeto a su libre determinación](#), No. 177/22, 09.08.22.

<sup>10</sup> Infobae, [Guatemala: protestas, bloqueos contra gobierno de Giammattei](#), 09.08.22.

<sup>11</sup> elPeriódico, [Ciudadanos protestan contra la corrupción y la criminalización](#), Periódico. 10.08.2022.

**Grave concern over legislation that could limit democratic freedoms**

Two proposed laws, Bill 6076, the "Law for the Strengthening of the Public Security Forces and the Guatemalan Army" and Decree 39-2022, the "Law for the Prevention and Protection against Cybercrime", have generated concern among a variety of analysts and expressions of popular rejection as a way of "silencing fundamental rights"<sup>12</sup> and "violating human rights."<sup>13</sup>

If passed, Law 6076 would extend the use of force by the national army at demonstrations. This power is already established in national legislation and international law as one which corresponds to the police and the state. As such, analysts have declared it unnecessary, and have pointed out that instead of a new law, the PNC's existing protocols could be strengthened. The approval of this law would also give "more power to the PNC" and impunity for possible crimes committed by the PNC.<sup>14</sup>

In response to this, the leaders of the 48 Cantons of Totonicapán issued a public communiqué stating that this bill represents a means of repressing and criminalizing the people of Guatemala and is an attack on the rights of freedom of assembly, association and freedom of thought, thus attacking human rights and democracy "which has cost the people of Guatemala so much blood."<sup>15</sup> Furthermore, representatives of the 48 Cantons were present in Congress to attend the reading of the bill and remained there until the early hours of the following day, when the Board of Directors of Congress made a written commitment not to move forward with the bill.<sup>16</sup> However, "the representatives of the 48 Cantons of Totonicapán pointed out that the president [of Congress] Shirley Rivera lied to them about the inclusion of the initiative on the agenda", which is why the law remains pending approval in Congress.<sup>17</sup>

The indigenous authorities of the Ch'orti' region declared congressman Boris España, representative from their department of Chiquimula, "as a *persona-non-grata* due to the fact that he was one of the deputies who has supported the approval of the 6076 law, which seeks to give the police and the army the power to use force and their weapons against the population, and which could be applied at sit-ins, demonstrations, meetings or rallies."<sup>18</sup>

On the other hand, the Congress of the Republic recently approved the "Law of Prevention and Protection against Cybercrime" which aims to "create penal norms to prevent cybercrimes and awards prison sentences to anyone who commits an offence in the digital sphere."<sup>19</sup> Various social sectors expressed their disagreement with regard to this approval and called for a veto of this law as it "violates freedom of expression."<sup>20</sup> The Guatemalan Congress reversed its decision and shelved the law on August 24, following harsh criticism of the decree, on 24 August as it poses serious threats to the free expression of thought, dangerously restricts the freedom of journalists and criminalizes conduct that can be carried out in the legitimate exercise of free expression.<sup>21</sup>

<sup>12</sup> Álvarez, A., [Analistas consideran innecesaria ley para uso de la fuerza en manifestaciones](#), La Hora, 05.08.22.

<sup>13</sup> Álvarez, A., [Iniciativa 6076: Analistas advierten vulneración al derecho de manifestación](#), La Hora, 29.06.22.

<sup>14</sup> *Ibidem*.

<sup>15</sup> Morales, A., [Alcaldía indígena de 48 Cantones "absténganse de aprobar la iniciativa ley 6076"](#), Prensa Comunitaria, 10.08.22.

<sup>16</sup> Román, J. y Kestler, C., [Junta directiva del Congreso acuerda engavetar iniciativa 6076 que regula uso de fuerza pública en manifestaciones](#), Prensa Libre, 23.08.2022.

<sup>17</sup> Ríos, R., [Congreso evita archivar iniciativa que incrementa el uso de la fuerza contra manifestantes](#), elPeriódico, 18.08.22.

<sup>18</sup> Morales, A., [Autoridades indígenas de la región Ch'orti' declaran no grato al diputado Boris España](#), Prensa Comunitaria, 10.08.22.

<sup>19</sup> Álvarez, A., [Analistas expresan preocupación por Ley de Ciberdelincuencia y su efecto en libertad de expresión](#), La Hora, 11.08.22.

<sup>20</sup> Solórzano S. y Barreno R., [Sectores y expertos piden el veto para la ley contra la ciberdelincuencia por violar la libertad de expresión](#), Prensa Libre, 11.08.22.

<sup>21</sup> González, A., [Congreso de Guatemala da marcha atrás y archiva Ley contra la Ciberdelincuencia](#), República.gt, 24.08.2022.

## 2. ACCOMPANIMENTS<sup>22</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>23</sup>

### THE FIGHT AGAINST IMPUNITY

This month we held a face-to-face meeting with the director and coordinator of the **Human Rights Law Firm (BDH)** to update us on their work. We also maintained telephone contact with the other members of the BDH to follow up on the ongoing processes.

### THE ISSUE OF ACCESS TO LAND

As part of our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces Region**, we held a meeting with its coordinators Lesbia Artola and Imelda Teyul, to follow up on the latest developments regarding the criminalization of members of the organization, as well as their work.

We also attended a meeting with members of the CCDA and other national and international organizations who accompany human rights defenders on the August 16, to address the worrying current situation of evictions, criminalization and defamation of members of the organization.

In addition, on August 19 we accompanied several members of the organization to a meeting with the Presidential Commission for Dialogue in Guatemala City to discuss the problems faced by people affected by evictions.

We accompanied the legal team of the **Union of Peasant Organisations Las Verapaces (UVOC)** to the public and oral trial on August 11 during which the verdict in the case of Justino Xollin Tilom, a criminalized human rights defender, was handed down. Justino was convicted of a crime against forest resources. He was sentenced to one year of commutable imprisonment at the rate of 5 quetzales per day and a fine of 60,566.30 quetzales, which, if not paid, will be converted into one day of imprisonment for every 100 quetzales not paid. In addition, the accused had his voting rights suspended and was ordered to pay costs. For more details about the criminalization of Justino, defender of the land, please visit our website: <https://cutt.ly/gCiHFSu>



We were also present for a hearing on August 12 in the case of criminalized community leader David Maxena. The hearing was scheduled to hear the testimony of three witnesses, presented evidence by the opposing party in previous hearings. The witnesses did not, however, show up and the session was rescheduled for August 22 at 11.30 a.m., a hearing in which only one of the witnesses was present.

In addition, we held face-to-face and virtual meetings with several of the organization's members to update and monitor their activities directly.

<sup>22</sup> We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

<sup>23</sup> See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>



## DEFENSE OF THE TERRITORY

We accompanied the Maya Ch'orti' **Indigenous Authorities of Olopa** during the international day of indigenous peoples on August 9. To mark the celebration, they held a walk during which new indigenous authorities were presented with staffs and a ceremony was held for the wellbeing of members of the struggle.



Regarding our accompaniment of **Multisector Chinautla**, we observed the meeting they held with the National Coordinator for Disaster Reduction (CONRED) on August 5. The purpose of the meeting was to evaluate the structural and environmental damage caused by the clay extraction companies in the region for the purpose of drafting a report. We attended the follow-up meeting three days later, to review the actions carried out on the 5th, which was attended by the Ministry of Energy and Mines (MEM), the Ministry of Environment and Natural Resources (MARN), CONRED, Congressman Aldo Dávila and the ancestral authorities

of the Pocoman people on behalf of the Multisectoral Chinautla, CONRED shared the technical results of its inspection of the structural conditions of the houses inhabited by the families of Santa Cruz during this meeting.



With regard to our accompaniment of **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, we held various meetings with some of their members and, as we do every month, we carried out monitoring and telephone accompaniment tasks within the framework of their activities.

This month we travelled to the field to meet with several members of the Peaceful Resistance of Cahabón.

In addition we accompanied the indigenous authorities during their assembly on August 13.

## 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.*

At municipal level we met this month with:

- Darwin García, Municipal Manager and Glendy Chu, Director of the Women's Office at the **Municipality of Cahabón**.
- Officer Juan Leonardo Coc Ba, from the **PNC Cahabón**.

#### 4. OTHER ACTIVITIES OF PBI GUATEMALA

This month we held a **security workshop** in the east of the country, given by experts in the field and aimed at members of the 'New Day' Ch'orti' Campesino Central Coordinator (CCCND). The workshop was given in two parts, resolution of legal doubts and digital security, with participation from more than 50 people.

#### 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 European representative met with Lena Widefjall, assistant to Tilly Metz MEP of the Green political group and chair of the **European Parliament's Central America Delegation**, and Garance Tardieu, advisor to the same political group on relations with Latin America.

## 6. NON-GOVERNMENTAL ORGANISATIONS

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



### COMUNICADO URGENTE

#### ALLANAN SEDE DE LA IGLESIA LUTERANA ILUGUA

En horas de la tarde de éste 29 de agosto de 2022, nos percatamos que personas desconocidas violentaron la ventana de una de las oficinas de la Iglesia Luterana ILUGUA e ingresaron a las instalaciones. Hasta el momento no podemos determinar el móvil de este ataque directo a la Iglesia, ni cuantificar lo sustraído de la misma. La Policía Nacional Civil acudió al lugar y verificó los daños causados al inmueble. Los mismos elementos de la Policía llamaron vía teléfono a la Fiscalía Distrital del Ministerio Público de Zacapa, pero se negaron a apersonarse a la sede de la Iglesia.



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*All photos published are from PBI*

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PEACE BRIGADES INTERNATIONAL**

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