



Monthly Information Package Guatemala

Number 231 - December 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.

The Historical Archive of the National Police, part of Guatemala's Cultural Heritage is abandoned and without protection

The Historical Archive of the National Police (AHPN), now called the Documentary Fund of the former Historical Archive of the National Police - AGCA - MCD, contains more than 80 million documents covering the 116 years (1882-1997) of the existence of the National Police. It was discovered in 2005 by the Human Rights Ombudsman's Office (PDH), on a premises of the National Civil Police (PNC). The Archive was found in very precarious conditions, but human rights activists worked to habilitate the police facilities and carry out professional archival work in order to recover the archive and facilitate public access. During the time that the Archive was fully operational, documents from 1975 to 1985, the bloodiest decade of the Internal Armed Conflict (1960-1996), were digitized. But the processes of archiving and digitization are not yet complete. The AHPN is considered of unique historical heritage in Latin America. In 2020 it was declared a Cultural Heritage of the Nation by Ministerial Agreement 934-2020 of the Ministry of Culture and Sports.



The AHPN documents have been key prosecuting those responsible for serious crimes (several of them high-ranking police and army officers) in emblematic cases such as the forced disappearance of student leader Fernando García, the Spanish Embassy massacre and the Molina Theissen case. AHPN's work has been supporting mainly by international cooperation funding.

Gustavo Meoño, who had been director of the Archive since 2005, was dismissed in July 2018 without further explanation. Then a gradual dismantling of the Archive began with the dismissal of the staff working there at the beginning of 2019. The team, which initially comprised of 200 staff, was reduced to 35.¹

The Supreme Court of Justice (CSJ) granted an injunction to the PDH to guarantee the protection and functions of the Archive in March 2020. The Ministry of Culture, through the General Archive of Central America, was declared as the only body with competence to determine the actions necessary to conserve the archive, its safeguarding and custody and the Ministry of the Interior (MINGOB) was ordered to refrain from adopting measures that threaten the integrity of the Archive.² The Ministry of Culture and Sports has not, however, complied with CSJ's order and the Ministry currently only employs 22 civil servants, "most of whom do not have the appropriate professional qualifications, making it impossible to carry out archival functions and facilitate free access to information". The Archive has, therefore, once again been hidden and rendered inaccessible to the public in practice. The Ministry of Culture and Sports is violating the Law on Access to Public Information, Decree Number 57-2008 of the Congress of the Republic and the Political Constitution of the State of Guatemala. They are denying the people of Guatemala the right to information and knowledge of

¹ PBI Guatemala, [Organizaciones expresan preocupación por el Archivo Histórico de la Policía Nacional](#), 31.05.2019.

² García, O., [CSJ otorga amparo a la PDH para garantizar protección del Archivo Histórico de la Policía Nacional](#), Prensa Libre, 30.03.2020.

their history, as well as further damaging the rights and dignity of the victims who need information and justice regarding the serious crimes committed by the State.³

The protection of this historical archive is key for investigating the disappearance of thousands of people during the IAC.⁴

2022 marked by criminalisation and the strong deterioration of the Justice System

2022 has been marked by a considerable increase in criminalisation processes targeting justice operators, journalists and human rights defenders. The list of people in exile and persecuted by the Public Prosecutor's Office (MP) has continued to grow.⁵

The Cyrus R. Vance Center for International Justice of the New York City Bar Association published a report in early December entitled "[Criminalization of Justice Operators in Guatemala as a strategy to secure impunity](#)", which identifies "a systematic pattern of criminalisation of independent judges and prosecutors who brought high-level corruption cases against government actors and other groups" and states that this pattern "is a strategy to ensure impunity in Guatemala." The analysis registers an increase in "attacks on the independence of judges and prosecutors" following the departure of the International Commission against Impunity in Guatemala (CICIG) in 2019⁶. This occurred following the unilateral cancellation - by the Guatemalan government - of the agreement that existed with the United Nations.

Following the recent sentence against former prosecutor Virginia Laparra (from the Special Prosecutor's Office against Impunity - FECI - in Quetzaltenango), the international community expressed its strong concern over the deterioration of the rule of law in Guatemala. According to Oly González, a judge from the Eighth Criminal Sentencing Court, the former prosecutor committed the crime of continuous abuse of authority, because she was not empowered to file administrative complaints against the then judge in Quetzaltenango (and now one of the head rapporteurs of the National Office for the Prevention of Torture) Lester Castellanos. Laparra denounced him on several occasions for revealing confidential information.⁷ Both Peter Stano, the EU's chief spokesperson for Foreign Affairs and Security Policy, and Ned Price, spokesperson for the US State Department, made their concerns public.⁸ Similarly, the representative of the UN High Commissioner for Human Rights, Volker Türk, called on Guatemala to "strengthen and guarantee the independence of its judicial system."⁹

An investigation carried out by the digital media outlet Plaza Pública has revealed how, in almost all cases of criminal prosecution against judges, and former prosecutors committed to the fight against corruption and impunity, the Foundation against Terrorism (FCT) has acted as complainant. They have also disseminated threatening messages across its social networks, naming individuals, giving details of the cases and applauding the actions of the MP "when they coincide with its objectives." In several of the cases where the has FCT filed complaints, judicial reservations have been declared, which prevents the accused and their lawyers from accessing information relating to the case. The cases are dropped in response to this strategy, not because there is no crime, but because, according to the courts, the prosecutor's office has not demonstrated the responsibility of the persons involved. The FCT's complaints are being pursued by the current MP, headed by María Consuelo Porras. Under her leadership, the prosecutor's office has become increasingly focused on prosecuting those who are against the system and benefiting those with political and economic power in the country.¹⁰

³ Prensa Comunitaria, [Autoridades de gobierno incumplen obligación de proteger el Archivo Histórico de la Policía Nacional](#), 05.12.22.

⁴ García, O., Op. Cit.

⁵ Coronado, E., [Exilio o cárcel: el 2022 fue el año en el que el Ministerio Público intensificó la persecución contra jueces, fiscales, periodistas y activistas](#), Plaza Pública, 06.12.2022.

⁶ España, D., [Informe señala un "patrón sistemático de criminalización" contra operadores de justicia en GT](#), La Hora, 7.12.2022.

⁷ Medinilla, A., [Sentencia a Virginia Laparra una exfiscal condenada por denunciar](#), Agencia Ocote, 18.12.2022.

⁸ Blanco, E., [No solo EE. UU.: Unión Europea expresa preocupación por sentencia a Laparra](#), La Hora Gt, 19.12.2022.

⁹ Redacción AFP, [ONU pide a Guatemala "fortalecer y garantizar" la independencia de la justicia](#), Prensa Libre, 20.12.2022.

¹⁰ Coronado, E., Op. Cit.

Violence in El Estor continues

The PNC carried out an operation in the Q'eqchi' Chapín Abajo community (El Estor, Izabal) on 6 December, with the aim of carrying out 25 raids to recover 15 firearms stolen in December 2021. Confrontations with the community during the operation were reported and three PNC agents were injured.¹¹ There were reports that one person was also killed by a firearm. The community identified this person as Lisbin Neftalí Quileb Pec, who was 16 years old. The indigenous authorities pointed out that during the operation the security forces carried weapons and rifles, in addition to the squad of riot police who surrounded the community: "The riot police shot at the Mayan Q'eqchi' women and women and children have been arrested and wounded", said the villagers. Prensa Comunitaria also reported that minors were poisoned by tear gas thrown by the PNC officers.¹² According to the description of the events, the PNC agents launched these gases and shots in order to "evict families from their land and execute arrest warrants against those who defend their territory."¹³

"We tried to engage in dialogue with the officers and representatives of the MP, but they began to arrest people without indicating their motives, it was confusing", said a representative of the community. "According to the same source, it was then that a confrontation broke out, during which the security forces fired tear gas, leaving at least 15 people injured. The Mayan Q'eqchi community called Chapín Abajo, founded in 1955, is located in a protected area known as Bocas del Polochic in northern Guatemala. The eviction of indigenous communities from their territory is a historical problem in the region and the state has not found alternatives for guaranteeing access to land, according to a report by the Office of the United Nations High Commissioner for Human Rights (OHCHR)." The community has also suffered from the detention of several villagers who oppose eviction by the state at the request of the palm oil company Naturaceites, which operates in the region.¹⁴

Serious setback in the "Diario Militar" case and in the fight against impunity

Judge Claudette Domínguez granted alternative measures to Toribio Acevedo on November 28. Acevedo is a defendant in the "Diario Militar" case. The judge based her decision on the defendant's right to health, as the defense argued that his sedentary lifestyle had caused him back pain. The defendant was a fugitive for almost a year when he was captured and brought before the law, he was tried for crimes against humanity, forced disappearance, murder and attempted murder. The law prohibits granting alternative measures to those accused of murder, as this could hinder the discovery of the truth. Moreover, it could pose a danger to the survivors and families of the victims. Witnesses in the case have also accused him of committing acts of torture.¹⁵

The High Risk First Court of Appeals granted a provisional injunction to Salán Sánchez, another defendant in this case, on November 11. Human Rights organizations, such as the Centre for Human Rights Legal Action (CALDH), point out that this new ruling could render the decision to send the retired colonel to trial ineffective. He is accused of the crimes of forced disappearance, murder, attempted murder and crimes against humanity. There are concerns that this measure will end up benefiting other defendants who have already been indicted.¹⁶

It should be noted that in June 2022 the Inter-American Commission on Human Rights (IACHR) has granted provisional measures in favor of the families in the case and ordered the MP and the Judiciary to adopt measures to guarantee the development of the judicial process.¹⁷

¹¹ Pineda, S., Barreno, R. y Nuila, E., [Enfrentamiento entre agentes de la PNC y pobladores deja varios heridos en El Estor](#), Prensa Libre, 06.12.2022.

¹² ElPeriódico, [Fuerzas de seguridad realizan desalojo en comunidad Chapín Abajo, Izabal](#), 06.12.2022.

¹³ España, D., [Enfrentamiento entre comunitarios y autoridades en El Estor, esto se sabe](#), La Hora, 06.12.2022.

¹⁴ EFE, [Al menos 15 heridos en Izabal por enfrentamiento entre policías y comunitarios](#), CNR Noticias, 06.12.2022.

¹⁵ Prensa Comunitaria, [Organizaciones internacionales denuncian graves retrocesos en el caso Diario Militar](#), 30.11.2022.

¹⁶ Orantes, R., [El nuevo acusado del Diario Militar y las claves para perseguir al juez Miguel Ángel Gálvez](#), No-ficción 15.11.2022.

¹⁷ Prensa Comunitaria 30.11.2022, Op. Cit.

2. ACCOMPANIMENTS¹⁸

*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.*¹⁹

THE FIGHT AGAINST IMPUNITY

In the framework of our accompaniment of the **Human Rights Law Firm (BDH)**, we maintained telephone communication and several face-to-face meetings at their headquarters during the month of December, with the aim of monitoring their activities and security situation.

THE ISSUE OF ACCESS TO LAND

We accompanied Carlos Morales, coordinator of the **Union of Peasant Organisations Las Verapaces (UVOC)**, to several meetings from the 5-9 of December related to the evictions that several communities in Alta Verapaz have been experiencing. One of these meetings was called to address the issue of humanitarian aid needed by the communities of Pancoc, Monjoc and Washington, which have been affected by the evictions. Several community, political and social entities participated in the meeting. Another meeting which we accompanied, alongside a member of UVOC's technical team, took place at the premises of the Presidential Commission for Peace and Human Rights (COPADEF), to discuss the eviction of communities in Alta Verapaz.

Regarding our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces** we visited the criminalized and imprisoned human rights defenders Jorge Coc Coc and Marcelino Xol Cucul, who are members of CCDA. We also monitored the situation of the communities affected by evictions by telephone, maintaining regular contact with the coordinators of CCDA, Lesbia Artola and Imelda Teyul.

DEFENSE OF THE TERRITORY



As part of our accompaniment of the **Peaceful Resistance, Cahabón**, we accompanied one of their members to the Cahabón Public Prosecutor's Office. He was summoned to participate in a conciliation meeting in relation to the complaint he had filed for trespassing, threats and injuries. One of the aggressors, who had already assaulted the human rights defender and his family on numerous occasions, did not show up, so the meeting was postponed until the following week. We accompanied him once more in this process on 12 December, but an agreement was not reached, so the process will continue with a hearing of the MP in Cobán, for which no exact date has been set.

We also maintained telephone contact with other members of the Resistance to keep up-to-date with their activities and situation.

On the 20th we accompanied members of the **Peaceful Resistance, La Puya**, as well as different ancestral authorities from the four villages affected by the mining company Progreso VII Derivada "El Tambor", to the Ministry of Energy and Mines. On arrival they handed over documentation and presented the people elected as representatives and delegates, who have to be accredited by the Ministry for the pre-consultation phase. In addition, we attended the mass that the Resistance celebrates at their encampment, as we do every month.



¹⁸ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹⁹ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

We accompanied the **Maya Ch'orti' Authorities of Olopa**, who are subject to criminalization processes, to the voluntary presentation hearing scheduled at the Criminal and Drug Trafficking Court of First Instance of the department of Chiquimula on the December 5. The hearing was suspended in the end, because the judge was dealing with another case. It was rescheduled for January 5.

Similarly, on December 13, we attended the assembly held in the community of Las Pomas to elect the indigenous authorities who will form part of the Community Council of Olopa. The aforementioned village was officially incorporated into the Maya Ch'orti' Authorities of Olopa through this act. Las Pomas is currently confronting the presence of different mining projects over which they were not consulted, which is why they sought help the Maya Ch'orti' Authorities of Olopa. The election will be formalized at the legal and institutional level in the coming weeks.

With respect to **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, we carried out monitoring tasks and telephone accompaniment in the framework of their activities. We also attended a healing workshop, facilitated by members of the network, which took place in the municipality of Cahabón.

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.

In our dialogue with the diplomatic corps and international organisations present in Guatemala, this month we met with Elisabeth Slåttum, Counsellor and Fernando Lorenzo Abril, Advisor for Central America from **the Norwegian Embassy**.

At the municipal level this month we met with Elvio Xal, representative for the **PNC in Cahabón**.

4. ACTIVITIES OF PBI GUATEMALA OUTSIDE GUATEMALA

Outside the country we constantly develop and strengthen the network of support for the Guatemalan PBI project, as this is one of the essential tools necessary to protect defenders of human rights. Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. In this context we develop actions and public relations campaigns, and / or advocacy aimed at protecting defenders of human rights.

This month the European Representative met with:

- Franziska Pernicaut, Human Rights Officer, **Permanent Representation of Germany in Geneva**.
- Drahoslav Stefanek, Chair of the **Working Party on Human Rights to the Council of the European Union**.

5. OTHER ACTIVITIES OF PBI GUATEMALA

In mid-December we held a **Healing Encounter in Saktá**, a community in the municipality of Cahabón, Alta Verapaz. Some 20 Q'eqchi' women, defenders of the territory and life, participated and exchanged on healing measures that strengthen them to sustain their defense of the body-earth territory.

On 22 December we broadcast live a **new edition of our program ACÉRCATE**, during which we spoke with communicators and human rights activists Norma Sancir and Andrea Ixchú about their experiences of participating in the COP27 climate change conference. It is available in audio and video format on our website: <https://pbi-guatemala.org/es/multimedia/ac%C3%A9rcate>



At the end of December we published a **new short documentary, TZK'AT and Sanction as a Cosmic Political Path**, in which they share their support for indigenous women and defenders of life in situations of political risk. It is also available on our website.

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.



CAFCA - CALDH - CIDH - ODHAG - UDEFEGUA - ECAP - ICCPG - SEDEM - UNAMG

UNA CONDENA ILEGAL E INJUSTA

La ex titular de la Fiscalía Especial Contra la Impunidad (FECI) en Quezaltenango, Virginia Laparra, fue condenada por la jueza Oly González a cuatro años de prisión conmutables, por supuesto abuso de autoridad. La sentencia concluye en primera instancia el juicio promovido desde el #PactoDeCorruptos por su operadora la Fundación Contra el Terrorismo y sus sicarios.

Virginia Laparra denunció a un juez, en mala hora designado titular del Mecanismo Nacional Contra la Tortura, por haber filtrado información de un caso bajo reserva, a otro abogado que hace apología del pacto de corruptos.

Al denunciar a quien difundió información reservada, la fiscal Laparra cumplió su obligación como funcionaria y como ciudadana pues, tuvo conocimiento de un delito. El sistema de justicia debió proceder a fin de sancionar al infractor. Lejos de ello le favoreció y ahora dicta sentencia contra quien protegió el estado de derecho.

La condena contra Virginia Laparra, declarada presa de conciencia por Amnistía Internacional, evidencia que no existe estado de derecho en Guatemala y que el sistema de justicia está en manos de estructuras criminales que promueven impunidad y corrupción. Se trata de una sentencia que sienta un pésimo precedente contra fiscales que se inhibirán de presentar denuncias contra funcionarios, especialmente contra jueces.

Como Convergencia por los Derechos Humanos:

- a) Reiteramos nuestra convicción de la inocencia de Virginia Laparra y repudiamos la condena que se le ha impuesto injusta e ilegalmente.
- b) Le hacemos llegar nuestra solidaridad y compromiso de continuar en la defensa de sus derechos y por su pronta libertad.
- c) Llamamos a la sociedad guatemalteca a ponerse de pie en defensa de sus derechos y organizarse, articular y movilizarse para derrotar la dictadura que intenta sepultar a la democracia.

Guatemala, 16 de diciembre de 2022





REPUDIAMOS EL ASESINATO DE TERESO CARCAMO FLORES

Tereso Cárcamo Flores, tenía 42 años de edad, era originario del caserío el Volcán, Aldea la Paz Jalapa. Dejó en la orfandad a 6 hijos, 4 de eran menores d edad.

El día de ayer 04 de diciembre, en horas de la noche fue asesinado a balazos cuando se dirigía a su hogar. Su cadáver quedó aproximadamente a 600 mts. de distancia de su vivienda.

Tereso Cárcamo era defensor comunitario de Derechos Humanos y de la Madre Tierra. Actualmente ocupaba el cargo de Vocal I de la directiva comunitaria de CODECA, tenía aproximadamente 9 años de ser parte de este movimiento. Sus principales luchas fueron: 1) Promover el Proceso de Asamblea Constituyente Popular y Plurinacional en Guatemala para construir el Estado Plurinacional y avanzar hacia el Buen Vivir de los Pueblos y Nacionalidades, 2) Luchar por los Derechos de las familias campesinas a la Tierra, 3) Defender los derechos de la Madre tierra, 4) Defender los Derechos Laborales Agrícolas, 5) Exigir la nacionalización de los bienes y servicios privatizados, 6) Exigir el respeto a los Derechos Humanos.

En los últimos años se ha agudizado la represión contra nuestro movimiento CODECA. Desde el 2018 a la fecha han asesinado a 25 de nuestros dirigentes/defensores de ddhh.

EXIGIMOS JUSTICIA Y CASTIGO PARA LOS ASESINOS MATERIALES E INTELECTUALES.

LLAMAMOS A LOS PUEBLOS A ACELERAR EL PROCESO DE ASAMBLEA CONSTITUYENTE POPULAR Y PLURINACIONA.

Guatemala, 05 de diciembre del 2022

¡El momento más oscuro de la noche es el que antecede el amanecer!

PBI team in Guatemala: Lina Alejandra Manriquez (Colombia), Marisol Robles Ruelas (Mexico), Madison Taggart (United States of America), Claudia Vecchia (Italia), Cristina Ortega (Spain), Janeth Alejandra Martinez (Colombia), Svenja Petersen (Germany), María Fernanda Bustamante (Chile), Fransk Martínez (Nicaragua), Inés Gesa (Spain), Antonio de Vivo (Italy).

All photos published are from PBI

PBI GUATEMALA DOES NOT NECESSARILY IDENTIFY WITH THE OPINIONS AND CONTENT OF THE REPRODUCED ARTICLES AND MEDIA RELEASES.

**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

Website: www.pbi-guatemala.org
facebook: pbiguatemala

Office of the team in Guatemala

3a Avenida "A" 3-51, Zona 1
Ciudad de Guatemala, Guatemala
Phone/ Fax: (+502) 2220 1032

E-mail: equipo@pbi-guatemala.org