



Monthly Information Package Guatemala

Number 232 - January 2023

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.

Progress and setbacks in the quest for justice for victims of the Internal Armed Conflict

In January, two cases relating to crimes committed during the Internal Armed Conflict (IAC) - the Ixil Genocide committed during the government of General Romeo Lucas García (1978-82) and the detentions-disappearances documented in the *Diario Militar* (1983-85) - continued to be addressed in the courts. A new case, relating to the forced disappearances of Luz Leticia Hernández Agustín and Ana María López Rodríguez (1982), also began.

Regarding the Ixil Genocide case, the defendants Benedicto Lucas García, former Chief of Staff of the Guatemalan Army, and Manuel Callejas y Callejas, former head of military intelligence, have been on trial since 25 November 2019. They are accused of having committed crimes against humanity and genocide against the Ixil population during the government of Romeo Lucas García, Benedicto's brother. The Human Rights Prosecutor's Office of the Public Prosecutor's Office (MP) has accused them of committing 31 massacres, 23 of which were perpetrated in Ixil communities that were razed to the ground. The communities belong to the municipalities of San Juan Cotzal, Santa María Nebaj and San Gaspar Chajul, in Quiché. On 9 January of this year, the High Risk Court A was to begin the oral and public debate, but the defendants' legal teams took action to remove Judge Andrea Julieta Lobos Luna from the case, claiming she is a relative of a person implicated in the case. In response to this legal action, the president of the court, Gervi Sical, suspended the debate until the High Risk Chamber can resolve this request.¹ Lucas García and Callejas y Callejas, were sentenced in 2018 for the well-known Molina Theissen case, relating to the kidnapping and rape of Emma Molina Theissen and the disappearance of her younger brother Marco Antonio.

The investigations in the so-called Diario Militar (DM) case or "Death Squad Dossier", as the document is also called, have provided chronological details of how state security forces allegedly kidnapped, transferred to clandestine detention centers, tortured, sexually assaulted and executed people considered to be "internal enemies." In May 2022, Judge Miguel Angel Gálvez sent nine military and ex-police officers to trial for their alleged participation in crimes against humanity, kidnapping, forced disappearance, torture and execution of at least 183 people between 1983 and 1985, during the government of General Óscar Humberto Mejía Víctores. Following this judicial decision, the judge had to go into exile due to threats and judicial persecution against him. The substitute judge from the High Risk Court B, Rudy Bautista, ordered the termination of the criminal prosecution against Marco Antonio González Taracena, the ex-Minister of Defence, and Mavilo Aurelio Castañeda Bethancourt, an ex-specialist of the Presidential General Staff, on 3 January as both had died.² Another hearing was held on January 6, at the same court, to review the coercive measures of ex-sergeant major specialist Rone René Lara, accused of forced disappearances, who is seeking alternative measures due to the condition of his health. The MP indicated that Lara had intervened in the targeted practice of illegal detentions, facilitated the creation of clandestine detention centers for people considered "internal enemies" and was involved in torture, cruel and inhuman treatment, extrajudicial execution, systematic concealment of persons detained and held illegally, as well as concealment of their remains.³ The judge declared the defense's request inadmissible as it was unable to present the required supporting documentation.⁴

¹ España, D., [Caso Genocidio Ixil: buscan apartar a jueza del proceso, juicio queda suspendido](#), La Hora, 09.01.2023.

² España, D., [Caso Diario Militar: cierran proceso contra dos sospechosos que murieron](#), La Hora, 03.01.2023.

³ FAMDEGUA, [Caso Diario Militar, día 3. Imputaciones del MP a Rone René Lara, Jacobo Esdras Salán Sánchez y Edgar Corado Samayoa](#), Gazeta, 01.05.2022.

⁴ FGER, [transmisión de la audiencia](#), 6 de enero.

In another hearing to review the measures on February 1, the substitute judge of the High Risk Court B, Rudy Bautista, granted alternative measures to retired colonel Jacobo Esdras Salán Sánchez and ex-policeman Malfred Orlando Pérez Lorenzo, accused of forced disappearance, murder, attempted murder and crimes against humanity. The judge acknowledged that alternative measures could not be granted for such crimes, but was swayed by the arguments made by the defense: that pre-trial detention could worsen the health of the accused.⁵ The two were ordered to pay a bail of Q6,000 and present themselves at the Human Rights Prosecutor's Office once a month to sign a registration book. The judge's decision caused much indignation among the relatives of the disappeared and forcibly detained as well as bewilderment among their lawyers.⁶

The first hearing against former police officer and special operations commander Juan Francisco Cifuentes Cano, who is also being prosecuted in the DM case, began on January 10. The MP has accused him of the detention and disappearance of Luz Leticia Hernández Agustín and Ana María López Rodríguez, committed on 21 November 1982, as well as the murders of two men following this operation.⁷ He is also accused of crimes against humanity for the capture and detention, of 12 other persons, among them 9 children between 9 years and 5 months of age who were detained in subhuman conditions and for about 5 months (this was carried out as part of an operation related to the case).⁸ Cano was indicted for crimes against humanity and enforced disappearance during the last hearing from this first phase of the trial, held on January 20. However, the murder charge was declared without merit. He was remanded him in custody at the military hospital. The judge granted a period of three months for further investigations and the case will continue with its intermediate phase at the end of April this year.⁹

The defendants in all these cases are ex-military and ex-police officers and the crimes of which they are accused were committed during the IAC, which left more than 200,000 people dead and 50,000 missing between 1960 and 1996. According to the Report of the Commission for Historical Clarification (CEH), "Guatemala, Memory of Silence", 93% of the crimes perpetrated during the CAI can be attributed to the state. To this day, it is not known what happened to the vast majority of the people who disappeared, and relatives and loved ones are still searching for them.

Strong international concern over the deterioration of democracy

The international organization Human Rights Watch (HRW) published its annual report "Events 2022" on 12 January. In relation to Guatemala, the organization observed that "President Alejandro Giammattei and his allies have hastened the deterioration of democracy in Guatemala in an apparent attempt to avoid accountability for widespread corruption, including at the highest levels of the state." According to the report, the authorities appointed two key officials in 2022, Attorney General Consuelo Porras and the Human Rights Ombudsman, through selection processes that "were neither fair nor transparent." In May of that year, Giammattei renewed the mandate of Porras, who "has blocked corruption investigations and initiated arbitrary prosecutions against journalists, prosecutors and independent judges". The organization highlighted increased levels of harassment and violence against journalists and human rights defenders, as well as challenges in protecting the rights of women and girls, LGBT (lesbian, gay, bisexual and transgender) people and migrants. HRW identifies the cancellation of the mandate of the International Commission Against Impunity in Guatemala (CICIG) in 2019, carried out by then President Jimmy Morales, as the beginning of the deterioration of democracy.¹⁰

Similarly, the United Nations High Commissioner for Human Rights, Volker Türk, has expressed his concern noting that "it is dramatic, given Guatemala's history, that those fighting for accountability for serious human rights violations are the ones being persecuted and prosecuted." His statement was in reaction to the announcement of arrest warrants against three justice officials by anti-corruption prosecutor Rafael

⁵ El Periódico, [Juez deja en libertad a militar Salán Sánchez, procesado por genocidio y asesinato](#), 01.02.2023.

⁶ Pérez, R., [Juez beneficia a acusados del Diario Militar con arresto domiciliario: víctimas expresan indignación](#), Prensa Comunitaria, 01.02.2023.

⁷ Patterson, B., [PBI-Guatemala accompanies family of Luz Leticia to hearing of ex-police officer accused of her enforced disappearance](#), 21.01.2023.

⁸ Información escuchada por PBI durante la observación de la audiencia pública correspondiente.

⁹ Op. Cit., Patterson, B.

¹⁰ García, O., [Informe de Human Rights Watch señala "deterioro de la democracia en Guatemala" por actos de corrupción](#), Prensa Libre, 12.01.2023.

Curruchiche. Türk called on "the authorities to take appropriate measures to strengthen and guarantee the independence of the justice system", providing "the necessary protection for state officials."¹¹

The Washington Office on Latin America (WOLA) agrees that not only has "a large part of Guatemala's judicial system been co-opted by a network of corrupt political, economic and military elites who seek to impose their own interests and engage in corrupt practices with impunity", but that freedom of expression is also being restricted. "Several journalists have faced criminal investigations that appear to be politically motivated, including José Rubén Zamora, director of El Periódico de Guatemala, who is currently in detention. The Guatemalan Journalists Association reported more than 100 incidents of attacks, persecution and criminalization of media workers in 2022 and nearly 400 since the start of President Giammattei's term in 2020. In some cases, public officials have used a 2008 law against gender-based violence to harass journalists, claiming that their media coverage constitutes a form of "psychological violence" against them or their female partners."¹²

Guatemala among the countries with the highest Corruption Perception Index

Transparency International (TI) published its Corruption Perception Index (CPI) 2022 at the end of the month. TI calculates this index each year drawing from different sources (country experts, international financial institutions and business people), to measure the perception of corruption in the public sector across 180 countries and ranks this data on a scale ranging from zero (very corrupt) to 100 (very low corruption). Ninety-five per cent of countries have had only minimal changes or no progress in this scale since 2017. "In the case of Guatemala, it obtained a score of 24 and the CPI has ranked it among the 26 countries that have reached historic lows on the issue of corruption. Among these 26 countries are also Qatar (58) and the United Kingdom (73). Guatemala ranks 150 out of 180 countries in the CPI, one place lower than it was in 2021. In 2021 and 2022 Guatemala scored 25 in the CPI, while in 2019 it scored 26. Guatemala has only scored more than 30 twice between 2012 and 2022: in 2014, when it scored 32, and in 2012, when it scored 33."¹³

After learning of the MP's investigations against former CICIG prosecutors, two weeks before the publication of its CPI, TI president Delia Ferreira Rubio commented: "Guatemala was once a world leader in the fight against corruption, with independent, capable and honest prosecutors who were able to uncover and prosecute grand corruption. The imprisonment of public officials who had received bribes from Odebrecht was a turning point for the country. The decision to not only free those who participated in the scheme, but also to prosecute those who helped uncover the corruption, is a devastating turn of events."¹⁴

¹¹ EFE, [Alto Comisionado de la ONU para los Derechos Humanos expresa preocupación por acoso a funcionarios de justicia en Guatemala](#), Prensa Libre, 18.01.2023.

¹² Oficina en Washington para Asuntos Latinoamericanos, [Preocupaciones en materia de derechos humanos para las elecciones generales de 2023 en Guatemala – Preguntas y respuestas](#), 24.01.2023.

¹³ Román, J., [Corrupción en Guatemala: informe señala que el país baja un punto en el Índice de percepción en 2022 y alcanza niveles mínimos históricos](#), Prensa Libre, 31.01.2023.

¹⁴ Comunicado TI, [Transparency International condemns legal action against anti-corruption defenders in Guatemala](#), 17.01.2023.

2. ACCOMPANIMENTS¹⁵

*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.*¹⁶

THE FIGHT AGAINST IMPUNITY

This month we accompanied the **Human Rights Law Firm (BDH)** to 15 hearings of several of the cases they are handling:

- In the Diario Militar (DM) case, we were present at the hearings to review the coercive measures against retired military officers Malfred Orlando Pérez Lorenzo, Rone René Lara and Enrique Cifuentes de la Cruz. We also observed the hearing which resulted in the termination of the criminal prosecution of Marco Antonio González Taracena and Mavilio Aurelio Castañeda Bethancourt, both deceased.
- Regarding the Hogar Seguro case, the search for justice by the families of the girls who lost their lives, or who were injured, in the fire that broke out on 8 March 2017 at the state home, is now entering its sixth year. The beginning of the hearing was suspended three times this month, with the court citing technical problems in the room where it was to be held.
- We accompanied the BDH to the hearings in the Samococh case, in which 23 police officers are accused of the crimes of excessive use of force in the context of a peaceful demonstration in Samococh Village, Chisec, department of Alta Verapaz, where 3 demonstrators were killed: Sebastián Rax Caal aged 29, Luciano Can Cujub aged 40 and Óscar Chen Quej aged 22.



This month we began a new accompaniment of the **Hernández Agustín family in the Luz Leticia case**. We went with the family to the hearing of first statement from Juan Francisco Cifuentes Cano, accused of the forced disappearance of Luz Leticia Hernández Agustín and Ana Maria López Rodríguez, committed on 21 November 1982 during a police intelligence operation directed by the defendant. Luz Leticia and Ana Maria were never handed over to the judicial authorities for trial and their whereabouts are still unknown. The relatives have been seeking justice for years and they were finally able to attend the opening of the case on January 10, following many undue delays, according to the lawyers, with the hearing suspended eight times. We were present at more than six hearings during



¹⁵ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹⁶ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

the month of January. The defendant was eventually indicted for the crimes of forced disappearance and crimes against humanity. In addition, the judge imposed preventive detention as a precautionary measure, which the defendant will serve in the Mariscal Zavala military hospital until his state of health improves. The hearing of the first statement ended on 20 January and a three-month investigation period was established. The concluding act will take place on 19 April and the debate phase will begin on 3 May.

THE ISSUE OF ACCESS TO LAND

On January 11 and 12 we accompanied Carlos Morales, coordinator of the **Union of Peasant Organisations Las Verapaces (UVOC)**, to visit several communities where grassroots collective work is being carried out in defense of the right to land. In meetings held with the organization, we were told that the consequences of the recent evictions, as well as the risk of further evictions in the future, are very present in the region, meanwhile the security situation of leaders continues to worsen. Threats and intimidation persist and internal travel within the region continues to present many risks.

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

DEFENSE OF THE TERRITORY

We visited the **Chinautla Multisector**, specifically the encampment located at Km 12 on the Chinautla highway. The community have resumed their sit-in, as some of the sand and cement companies present in the area continue to work without a license, and the pollution and dumping into the river continue to cause serious harm to the population. Since the sit-in, they continue to demand their right to consultation, but they are also demanding that the damage be repaired before this process begins. In addition, the security situation continues to worsen, as threats to the Resistance members are increasing, which is causing fear in the communities and, therefore, a drop in the level of participation.



We were present in the Olopa region, in the department of Chiquimula, where we accompanied the **Maya Ch'orti' Indigenous Council** to a hearing against four criminalized persons accused of illegal detention during a peaceful demonstration. The judge indicted them, granted them house arrest and imposed the obligation to appear at all hearings. The next hearing will be held on March 22, 2023 at 10am. The criminalized human rights defenders received a lot of support from the community, who were present outside the court showing their support.

We accompanied 21 members of the **Residents Association of Chicoyogüito Alta Verapza (AVECHAV)** to a hearing in Cobán, where they faced charges of aggravated trespassing relating to a peaceful demonstration which took place in June

2021. During this demonstration, members of the organization demanded access to the lands of their families, who were violently evicted by the army in 1968. The hearing concluded with a deferred judgement, according to which the 21 people agreed to carry out community work and the MP ceased criminal prosecution.

On the 16th of January, we accompanied three criminalized members of the **Community Council of Retalhuleu (CCR)** to the signing of the registration book in the Court of First Instance of Champerico. Unlike on the two previous occasions, they managed to sign the book this time, thus demonstrating their compliance with the coercive measures imposed on them by the required by the court within the framework of the legal process that are being carried out against them. The next hearing will take place on 9 February in Retalhuleu, in the Court of First Instance for crimes against the environment. Despite these criminalization processes, the CCR has continued with its community work and periodically visits various communities in the region.

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 organizations present in Guatemala, this month we met with:

- Caroline Amyot, Head of the Public Affairs Section, Christina Laur, Senior Development Cooperation Officer and Mónica Izaguirre, Political Officer at the **Canadian Embassy in Guatemala**.
- Jennifer Echeverría, Focal Point for Human Rights and Human Rights Defenders and Project Officer of the **European Union Delegation in Guatemala**.
- Roberta de Beltranena, Human Rights Officer of the **Swiss Embassy in Guatemala**.

At the municipal and department level this month we met with:

- Rubén Cardona, Chief of Services of the **National Civil Police (PNC) of Chiquimula**.
- Ferlandy Caceres, **Governor of Chiquimula**.
- Emilio Penedo, interim assistant to the **Human Rights Ombudsman's Office (PDH) of Chiquimula**.
- Isaac González, officer at the **PNC substation in Champerico**.
- Mario Mejilla, secretary to the mayor of the **Municipality of Champerico**.
- **PNC Officer in San Antonio Las Flores-Chinautla**.
- Anibal Caal, officer at **PNC station in Cobán**.
- Sergio Pineda, regional manager, and Albricia Vechini and Jorge Cuevas, outreach workers for Culture of Peace and Human Rights at the **Presidential Commission for Peace and Human Rights (COPADEH) in Cobán**.

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.

The European representative met this month with:

- Tilly Metz, MEP of the Green political group, chair of the **European Parliament's DCAM Delegation for Central America**, her assistant Lena Widefjall, and the political group's advisor for Latin America, Garance Tardieu.
- Vincent Ringenberg, Political Officer in the **Democracy and Election Observation Division of the European External Action Service (EEAS)**.
- Iago Gil Aguado, representative of the Permanent Representation of Spain to the EU in the **Latin America and Caribbean COLAC Working Group of the Council of the European Union**.

In addition, she participated in an informal meeting with the COLAC group of the Council of the European Union.

5. INTERNATIONAL OBSERVATION

PBI Guatemala is present in international public events when requested to do so by Guatemalan social organisations, in order to show international attention and interest and in order to report internationally on what we observe.

On January 6 we observed the celebration of the **assembly of the indigenous community of San Francisco Quezaltepeque** in the department of Chiquimula.



On 14 January we observed a **march of human rights defenders who have been targets of criminalization and imprisonment** through the capital. They denounced this repression against them and the dispossession that indigenous peoples are suffering in their territories.

6. OTHER ACTIVITIES OF PBI GUATEMALA

We can now share our CARNE CRUDA Podcast "**Voices of the Earth from #Guatemala: Hydroelectric dams leave you without light and water**": <https://www.ivoox.com/voces-tierra-las-hidroelectricas-te...>



In January we published **Bulletin No. 48** which contains the following articles: Escalation of agrarian conflict: the situation in Las Verapaces worsens; The importance of good water management. Interview with Sara Ortiz; Canalitos: historic struggle for water; Council of Maya Ch'orti' Indigenous Authorities of Olopa in defense of Mother Earth; News from our work: We are concerned about the criminalization of human rights defenders. You can access it at the following link: <https://pbi-guatemala.org/sites/pbi-guatemala.org/files/B48.pdf>.

7. NON-GOVERNMENTAL ORGANISATIONS

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



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

BASTA DE PERSECUCIÓN ESPURIA

El estado de Guatemala viola tratados internacionales y busca el aislamiento para garantizar impunidad. Por ello el fiscal Rafael Curruchiche, subordinado de Consuelo Porras, Fiscal General y jefa del Ministerio Público (MP) persigue al equipo de la Comisión Internacional Contra la Impunidad en Guatemala (CICIG). Una persecución espuria, viola tratados internacionales y destruye compromisos asumidos como Estado, ante la comunidad internacional.

El fiscal Curruchiche, actual jefe de la Fiscalía Especial Contra la Impunidad (FECI), desmantelada por la Fiscal General, es uno de los rostros del proyecto de impunidad para la estructura de corrupción que asaltó la institucionalidad democrática. Como parte integral de dicha estructura, el presidente Alejandro Giammattei ha salido en defensa del desatino del MP y generado con ello una crisis diplomática con el estado Colombiano.

Por ello, la Convergencia por los Derechos Humanos:

- 1) Repudia las actuaciones de Curruchiche y la oficina que ahora dirige, las cuales pretenden forzar la captura de ex integrantes del MP e iniciar investigación contra el extitular de la CICIG, Iván Velásquez Gómez, ahora Ministro de Defensa de Colombia.
- 2) Expresa su solidaridad con todo el equipo de la original FECI, la CICIG, jueces y fiscales, a quienes se criminaliza por haber cumplido su labor, así como abogadas y abogados defensores.
- 3) Requiere de la comunidad internacional acciones encaminadas a demandar al Estado de Guatemala el cumplimiento de sus obligaciones derivadas de convenios y tratados internacionales en materia de justicia y derechos humanos.
- 4) Una vez más, llama a la sociedad guatemalteca, en particular a los movimientos sociales, a fortalecer los espacios de unidad contra la corrupción y la impunidad, en defensa de libertades y garantías, ahora socavados por la alianza criminal.

Guatemala, 18 de enero de 2023

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

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**GUATEMALA PROJECT
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