



Monthly Information Package Guatemala

Number 233 - February 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.

Return to face-to-face classes: challenges and difficulties

Following three years of absence as a result of the Covid-19 pandemic, students resumed in-person classes in the country's public schools on February 20. Students encountered a deterioration of the school infrastructure across most facilities, highlighting the challenges and difficulties faced by Guatemalan public education.¹

Teachers have expressed concerns that not all schools are in an appropriate condition for beginning classes and that there are serious lags in student learning.² The 2023 school year began with the enrollment of more than 3.1 million students in the public sector, however, only 47,000 desks were purchased to meet schools' needs during the pandemic.³ During the years in-person classes were suspended, school buildings have not been maintained and have serious deteriorations. Humidity, heat and dust have damaged the furniture, which was already scarce and in poor condition. This has particularly impacted schools in the departments.⁴ According to data from the Ministry of Education, at least 1,500 schools nationwide need repairs to structural damage and another 5,700 lack access to drinking water, drainage⁵ and sanitation.⁶ There is also concern about the lack of measures to prevent the spread of Covid-19, as many classrooms are not ventilated⁷: "Our classrooms are small. We cannot guarantee a physical distance between students and we do not have enough desks."⁸

Furthermore, many children, especially in rural areas, do not have access to education. The lack of schools in rural areas complicates access to education, in many cases the nearest school is too far away from the students' homes. This is the case for those who attend the Xatinap III elementary school, located in the department of Quiché. On their first day of school students had to undertake a difficult journey: they climbed steep slopes, crossed an old wooden bridge in poor condition and overcame all kinds of difficulties, such as attacks from forest wild life. According to Petronila Mendoza, director of the school, the lack of paved roads and public transportation in the community of Xatinap means that many children do not make it to class on time. Furthermore, they are exhausted by the time they arrive, making it difficult for them to learn. "It's difficult for our children to study, because they have to walk more than an hour to get to school," explains Carlos López, a 38-year-old farmer and father of two children who lives with his family in a remote indigenous community in the department of Quiché. Lopez says that in order to ensure that his six and nine-year-old children reach the nearest school (Xatinap III), he has to accompany them every day for an hour on a complicated journey through the forest and corn fields.⁹

¹ Román, J., Domínguez, A. y Sánchez, E., [Regreso a clases 2023: estudiantes del sector público de Guatemala vuelven a las aulas luego de dos años ausentes por la pandemia del covid-19](#), Prensa Libre, 20.02.2023.

² Ola, A. L., [Ciclo escolar 2023: tres desafíos a superar para un exitoso regreso a clases en las escuelas](#), Prensa Libre 20.02.2023.

³ Ola, A. L., [Mineduc asegura que remozó centros educativos, pero en tres años solo compró 47 mil escritorios para 3.1 millones de estudiantes que regresaron a las aulas](#), Prensa Libre, 22.02.2023.

⁴ *Ibidem*.

⁵ Román, J., Domínguez, A. y Sánchez, E., *Op. Cit.*

⁶ Ola, A. L., *Op. Cit.*, 20.02.2023.

⁷ *Ibidem*.

⁸ EFE, [Una hora de caminata para ir a estudiar: la difícil situación de niños indígenas de Guatemala para el regreso a clases](#), Prensa Libre, 20.02.2023.

⁹ *Ibidem*.

Most families living in rural areas also face a difficult economic situation. Lopez recalls how 30 years ago he studied at the same school as his children, but only reached the fifth grade because he had to devote himself to agriculture to support his family. "It's possible that in a few months students will start dropping out of school," warns Mendoza, who estimates that at least 10% of the 140 students will drop out in the middle of the school year. She points out that children between the ages of 11 and 13 drop out of school to work in agriculture and bring home about 30 quetzales (US\$4) a day.

In spite of the critical situation faced by the public education sector in Guatemala, President Alejandro Giammattei stated, during the inauguration of the 2023 school year, that his government has been the only one that has implemented the aid programs for schools, such as the delivery of food and school supplies, on time. He also affirmed that all students in the public sector will have access to school insurance.¹⁰ However, teachers from the Xatinap III school and parents told EFE that they have not been able to access this supposed benefit.¹¹

One year has passed since the arbitrary detention of former prosecutor Virginia Laparra¹²



February 23 marked the first anniversary since the imprisonment of Virginia Laparra, former prosecutor from the Special Prosecutor's Office Against Impunity (FECCI). Following eight months of preventive detention, Laparra was sentenced on December 16, 2022 to four years in prison, commutable at the rate of Q10 per day. She is accused of the continuous abuse of authority for having denounced the former judge, Lester Castellanos, for allegedly leaking confidential information.¹³ The sentence has been appealed by the former prosecutor.¹⁴

Laparra cannot be released because Judge Carmen Acú

Recinos, head of the Criminal Court of First Instance of Quetzaltenango, decided to indict her for allegedly having revealed confidential information during a hearing in January which was closed to the public and the press.¹⁵

One year following her criminalization and imprisonment, several national and international organizations - such as Amnesty International (AI) who have declared her a prisoner of conscience - as well as Laparra's family have warned of the serious physical and psychological health problems Laparra is experiencing.¹⁶ The Committee of Experts from the Follow-up Mechanism of the Inter-American Convention on the Prevention,

¹⁰ Román, J., Domínguez, A. y Sánchez, E., Op. Cit.

¹¹ EFE, Op.Cit.

¹² Amnistía Internacional, [Guatemala: presa de conciencia Virginia Laparra cumple un año detenida arbitrariamente en la cárcel](#), 23.02.2023.

¹³ Pérez Marroquín, C. y Pitán, E., [Exfiscal Virginia Laparra, condenada a 4 años de prisión, se libra de pagar Q218 mil de reparación digna](#), Prensa Libre, 21.12.2022.

¹⁴ EFE, [Exfiscal anticorrupción Virginia Laparra apela sentencia en su contra y señala "irregularidades"](#), Prensa Libre, 10.01.2023.

¹⁵ Pitán, E., Toc, M. y Pineda, S., [Virginia Laparra es ligada a proceso por segundo caso que el MP presentó en su contra](#), Prensa Libre, 04.01.2023.

¹⁶ España, Diego., [Amnistía Internacional: "La salud de Virginia Laparra está en riesgo"](#) La Hora 04.02.2023.

Punishment and Eradication of Violence against Women also expressed its concern and requested the Guatemalan authorities to "take the necessary measures to evaluate the conditions of detention experienced by the former prosecutor Laparra and guarantee that she receives the necessary medical attention."¹⁷ Virginia's defense lawyers, as well as feminist collectives and international researchers, have requested permission to visit Laparra to follow up on her situation from the prison system and judicial organism.¹⁸

The process will continue on April 3 but in the meantime Laparra's lawyer, Amelia Rodriguez, has highlighted that the crimes of abuse of authority do not merit imprisonment. Moreover, the delay and irregularities which have occurred during the process are very serious, particularly the obstacles encountered by Laparra in accessing health care. Laparra has undergone 25 examinations and has a diagnosis from the Guatemalan Institute of Social Security (IGSS), but is still waiting for the court order that will allow her to undergo surgery.¹⁹

Every day six girls under the age of 14 give birth

According to a report by the Observatory of Sexual and Reproductive Health (OSAR), the number of girls under 14 who gave birth in 2022 rose to 2,187 (146 more than in 2021). This means an average of six cases per day. "Three out of 10 cases occurred in Alta Verapaz and Huehuetenango, the departments that have continued to have the highest figures relating to young motherhood."

The Criminal Code establishes that pregnancies in minors under 14 years of age are the product of sexual violence. According to OSAR, nine out of 10 cases the perpetrator is someone who is part of the victim's family circle. "A different approach is needed, including attention and prevention, the strengthening of access to justice for girls [and] working with community leaders to change sexist practices and [avoid] the re-victimization of girls," emphasizes Mirna Montenegro, director of OSAR. At the root of this problem, according to Susy Eiyadeh, spokesperson for Plan International, are "gender norms, roles, stereotypes and social expectations - which normalize teenage pregnancy, limiting the analysis of its root causes, limiting more comprehensive life plans for adolescents."

Between January and October 2022, the Public Prosecutor's Office (MP) received 3,846 reports of sexual crimes against minors between 0 and 17 years of age, which reflects the seriousness of the problem and the urgent need to address it.²⁰

Concern grows over the right to freedom of expression

Concerns about freedom of the press and freedom of expression continued to grow this month. On February 28, the president of elPeriódico, José Ruben Zamora, was indicted in a second case, in which he is accused of conspiracy to obstruct justice. Furthermore, the Tenth Criminal Judge, Jimi Bremer, granted the MP's request to extend the investigation to journalists and independent media. The prosecutor assigned to the case from the Special Prosecutor's Office Against Impunity (FECI), Cinthia Monterroso, argued that their publications hindered the work of the MP by not reporting the truth and also "could affect the physical integrity, honor or assets [of her, other judges and Ronald García Navarizo, who is a witness in the first case filed against Zamora] in order to influence their behavior or hinder the fulfillment of their functions." Monterroso also asked for authorization to investigate the financing of "independent media" - without mentioning any specific outlet - because they must uncover "any instructions to illegally investigate judges and prosecutors or follow them to their homes. Because there may be other media and they receive the same financing."²¹

Monterroso has been denounced on several occasions by the former head of the FECI, Juan Francisco Sandoval, and the former High Risk Judge, Ericka Aifán - both in exile due to judicial persecution against them - for the possible crime of obstruction of justice.²²

¹⁷ Pérez Marroquín, C., [Comité de Expertas de la OEA expresa "profunda preocupación" por situación de exfiscal Virginia Laparra y esto dice el MP](#), Prensa Libre, 01.02.2023.

¹⁸ Cuevas, D., [Amnistía Internacional prepara informe para Naciones Unidas por el caso de Virginia Laparra](#), Prensa Libre, 25.02.2023.

¹⁹ Rodríguez, S., [Virginia Laparra cumple 365 días en prisión](#), Prensa Comunitaria, 22.02.2023.

²⁰ Ola, A.L., [Cada día, 6 niñas de entre 10 y 14 años se convirtieron en madres en 2022](#), Prensa Libre, 04.02.2023.

²¹ Sas, L.A., [Caso Zamora es usado para empezar a investigar a periodistas y medios independientes](#), Plaza Pública, 28.02.2023.

²² Prensa Comunitaria, [Ministerio Público busca criminalizar a periodistas](#), 28.02.2023.

According to data from the Association of Journalists of Guatemala (APG), there were 105 reported attacks on journalists and media outlets in 2022. The vice-president of the APG, Mario Recinos, indicated that the judge's resolution represents a setback for freedom of expression. "It is expanding the judicialization of cases against journalists. The constitution is clear and establishes that no criticism of government officials or employees is a crime. This is why journalists should not even be subpoenaed. We are seeing a situation similar to that of Nicaragua", said Recinos.

2. ACCOMPANIMENTS²³

*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.*²⁴

THE FIGHT AGAINST IMPUNITY

This month we held several meetings with the **Human Rights Law Firm (BDH)**, in order to update us on their security situation and their work. We also accompanied them to five hearings:

- In the Diario Militar (DM) case, we were present at the hearing to review the coercive measures against the defendants Jacobo Esdras Salán Sánchez, former Army colonel, and Malfred Orlando Pérez Lorenzo, former member of the disbanded National Police (PN). They have been accused of crimes of forced disappearance, murder, attempted murder and crimes against humanity. Judge Rudy Eleazar Bautista Fuentes recognized that these crimes should not be granted alternative measures but accepted the petition anyway, and granted the measures on the basis of the defense's arguments that pre-trial detention could worsen the health of the defendants. The two will have to pay a bail of Q6000 and present themselves every month at the Human Rights Prosecutor's Office to sign a registration book. The judge's decision caused much indignation among the relatives of the detained and disappeared and their lawyers expressed bewilderment.
- The Hogar Seguro case enters its sixth year without justice for the girls who lost their lives and those who were injured in the March 8 fire at the Virgen de la Asunción state home in 2017. The start of the debate was suspended once again this month due to a challenge filed by the defense against the Judge.
- We accompanied the BDH to the hearings of the Samococh case, in which 23 police officers are accused of crimes of excessive abuse of force in the context of a peaceful demonstration in the Samococh Village, Chisec, department of Alta Verapaz, where three demonstrators died: Sebastián Rax Caal, 29 years old, Luciano Can Cujub, (40) and Óscar Chen Quej (22).
- On February 20, we accompanied the BDH lawyers to the ninth hearing in the Teacher Case, in which Bernardo Caal Xol is accused of the crime of undue detentions. During the hearing, a witness for the defense explained that Bernardo did not act as a teacher at the time because he was working full time for the union, which is supported by the Collective Agreement between the State of Guatemala and the unions. The next hearing is scheduled for March 6 in Cobán.



²³ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

²⁴ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

THE ISSUE OF ACCESS TO LAND

Between February 9 and 11 we accompanied Carlos Morales, coordinator of the **Union of Peasant Organizations Las Verapaces (UVOC)**, in their visit to the community of La Tinta, where a meeting of Mesoamerican community radio stations was held. During the meeting young people from the communities presented a project for the development of four community radio stations. UVOC continues to be concerned about the security situation in the communities, as threats and intimidation continue.

With respect to the accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces**, we had the opportunity to meet with the coordinators Lesbia Artola and Imelda Teyul. They reported on the situation of danger and vulnerability that they have been experiencing in recent weeks, and shared with us their concern about different cases of criminalization against people from the communities that are part of the Committee. We visited Jorge Coc Coc and Marcelino Xol Cucul in Cobán prison. They are members of the organization who have been criminalized.

DEFENSE OF THE TERRITORY

On February 25 we were present in the region of Olopa, department of Chiquimula, where we accompanied the **Maya Ch'orti' Indigenous Council of Olopa** during the celebration of the seventh anniversary of the Resistance. During the event, its members reaffirmed their commitment to the defense of Mother Earth.

As part of our accompaniment of the **Peaceful Resistance, Cahabón**, we accompanied one of its members to the MP office in Cahabón this month to follow up on a complaint he filed last December for a raid of his property, threats and injuries. We also visited some communities that are home to members of the Resistance so they could update us on their security situation. Unfortunately most of them continue to experience attacks for their work in defense of the Q'eqchi' territory. We are especially concerned about the sexual aggressions suffered by several women involved in the Resistance.

Regarding our accompaniment of **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, we have held several meetings with some of its members and, as with every month, we have carried out monitoring and telephone accompaniment within the framework of their activities.

We accompanied the four criminalized defenders of the **Council of Communities of Retalhuleu (CCR)** to the Court of First Instance for Environmental Crimes of Retalhuleu on February 9. The purpose of the hearing was to verify the presentation of evidence, which was validated without objection by the parties. They continue to be subject to coercive measures, so we accompanied them on February 14 to the signing of the book in the Magistrate's Court of Champerico.

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:

- Rafael Chaves Beardo, Ministerial Counselor (Second Chief) Head of Human Rights, at the **Spanish Embassy in Guatemala**.
- Carlos Moya Linares, Human Rights Officer at the **US Embassy in Guatemala**.
- Hans Magnusson and Aron Lindblom, Ambassador and Second Secretary (respectively) at the **Swedish Embassy in Guatemala**.

At the national level we met with the new **Human Rights Ombudsman (PDH)**, Alejandro Córdova.

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:

- Alast Mojtahed Najafi, assistant to Hannah Neumann MEP, from the Green political group and member of the **European Parliament's Subcommittee on Human Rights.**
- Breda Lee, assistant to the European Union Special Rapporteur for Human Rights, Karolien Kras, Guatemala desk, Raphael Warolin, from the Human Rights Unit and Vincent Ringenberg, from the Election Observation Division of the **European External Action Service.**

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 February 24 we observed in the capital the **March for the National Day for the Dignification of the Victims of the Internal Armed Conflict.**



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.



DEFENDER EL DERECHO A LA MEMORIA, LA VERDAD Y LA JUSTICIA PARA QUE NO SE REPITA

En el día nacional de la Dignificación de las Víctimas del Conflicto Armado Interno reafirmamos que seguimos y seguiremos luchando por la defensa de nuestros legítimos derechos a la Memoria, la Verdad y la Justicia, como una forma de honrar y dignificar a nuestros seres queridos víctimas de este Estado genocida.

La Justicia, como una necesidad para que las graves violaciones a los derechos humanos no queden en la impunidad, es un derecho cada vez más lejano para las víctimas. En los últimos años hemos visto con indignación cómo estructuras criminales han cooptado el sistema de justicia, impidiendo que los procesos por crímenes del pasado avancen, con lo que se vulneran los derechos de las víctimas y sus familias. Tal es el caso de militares a quienes se les ha modificado la medida de prisión preventiva y han sido dejados en libertad.

La memoria en Guatemala ha sido promovida por quienes nos negamos a aceptar el silencio como norma, por quienes seguimos luchando por un país donde se respeten los derechos humanos.

Dignificar a las víctimas no es solamente recordarles, dignificar a las víctimas es juzgar los delitos que se cometieron contra ellas, es recuperar la Memoria Histórica a nivel local y nacional, a través del sistema educativo tradicional para que las y los jóvenes sepan lo que pasó; es reconocer la verdad de lo ocurrido y decirla, es fortalecer el sistema de justicia y la legislación nacional, para que estos crímenes no se vuelvan a repetir.

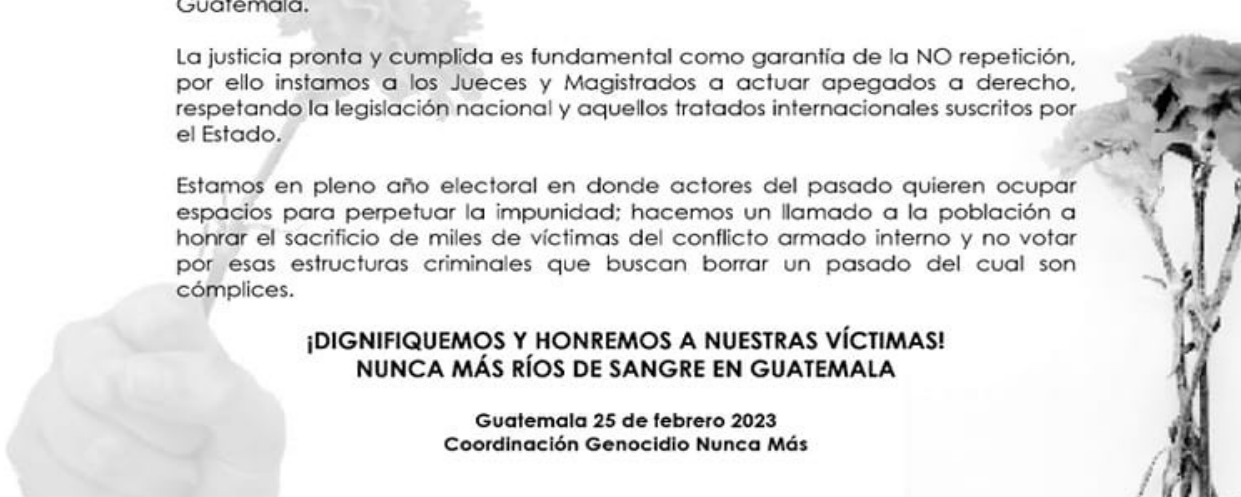
Recordamos, reivindicamos y honramos las luchas de quienes fueron testigos en esos años de guerra, las víctimas de las más de 600 masacres, aquellas mujeres y hombres: sindicalistas, universitarios, catequistas, pobladores, campesinos, en su mayoría indígenas, secuestrados y asesinados, y todas y todos aquellos que no sólo querían tener mejores condiciones de vida sino cambiar esas estructuras que hasta la fecha persisten. Aquellos cambios de fondo para acabar con el racismo, la discriminación, la pobreza y muchas más situaciones que prevalecen en Guatemala.

La justicia pronta y cumplida es fundamental como garantía de la NO repetición, por ello instamos a los Jueces y Magistrados a actuar apegados a derecho, respetando la legislación nacional y aquellos tratados internacionales suscritos por el Estado.

Estamos en pleno año electoral en donde actores del pasado quieren ocupar espacios para perpetuar la impunidad; hacemos un llamado a la población a honrar el sacrificio de miles de víctimas del conflicto armado interno y no votar por esas estructuras criminales que buscan borrar un pasado del cual son cómplices.

**¡DIGNIFIQUEMOS Y HONREMOS A NUESTRAS VÍCTIMAS!
NUNCA MÁS RÍOS DE SANGRE EN GUATEMALA**

**Guatemala 25 de febrero 2023
Coordinación Genocidio Nunca Más**



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**GUATEMALA PROJECT
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