



Monthly Information Package Guatemala

Number 235 - April 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.

25th anniversary of the assassination of Monsignor Gerardi

April 26th marked the 25th anniversary of the horrific assassination of Monsignor Juan José Gerardi Conedera. Several activities were held that day to honor his memory: a mass, a march and a documentary screening. The mass was held at Guatemala City's Cathedral where Gerardi's work on memory and justice was praised. Afterwards the march left from the Cathedral. Members of religious orders, leaders from social and indigenous movements and people from civil society participated in the march. The marchers walked to San Sebastián parish park, which was where Monsignor Gerardi lived and is also the site of his assassination. The marchers also denounced the horrific crimes committed during the Internal Armed Conflict (IAC) by the Guatemalan state security forces, most of which remain impugned.¹

Gerardi was dedicated to the protection of human rights and the denunciation of the crimes committed during the IAC. "In 1974 he was appointed bishop of Quiché, where he experienced some of the hardest moments in his life. He witnessed how the population was massacred and how catechists and priests of the Catholic Church were persecuted and murdered, a situation that he denounced several times, even though it put his life at risk." He left Quiché in 1980 after learning that an assassination attempt was being planned against him.² Years later, after a period of exile, he assumed responsibility for the Interdiocesan Project for the Recovery of Historical Memory (REMHI), which was carried out by the Human Rights Office of the Archbishopric of Guatemala (ODHAG). REMHI collected thousands of testimonies of human rights violations committed during the IAC. The final report of this project, "Guatemala: Never Again", recorded and documented more than 54,000 human rights violations, attributing responsibility to the Guatemalan Army in 90% of cases. The presentation of the report in Guatemala City's Cathedral on April 24, 1998 - two days before Gerardi's assassination - was attended by thousands of people.³

Byron Disrael Lima Estrada, Byron Lima Oliva (son of the former) and José Obdulio Villanueva were sentenced to 30 years in prison for Gerardi's extrajudicial execution on June 7, 2001. Father Mario Orantes was also sentenced to 20 years in prison for his complicity in the crime. According to Nery Rodenas, director of ODHAG, the court found the assassination of Monsignor Gerardi to be a State crime. Following the sentencing "the investigation process was left open against other perpetrators linked to the State at that time, who planned, executed and tried to cover up the crime against the priest." However, "to date, none of the people who were investigated have been held accountable." According to Ronald Ochaeta, former director of the ODHAG, the people who committed the crime were convicted, but not the intellectual authors of the crime.⁴

¹ EFE, [Guatemaltecos rinden homenaje a Gerardi tras 25 años de su asesinato](#), Swissinfo, 26.04.2023.

² Pérez, R., [A 25 años del asesinato de Gerardi, el obispo testigo de los horrores de la guerra interna](#), Prensa Comunitaria, 26.04.2023.

³ EFE, Op.Cit.

⁴ Pérez, R., Op. Cit.

Landslide disaster: could it have been avoided?

On April 24 a landslide occurred in the village of Las Minas, located in the municipality of Casillas, Department of Santa Rosa. The landslide caused the deaths of two children, aged four and eight, and nine houses were buried under the earth and another 10 houses are at risk of being buried.⁵ The mother of the deceased children was also injured. She had to be transported to a hospital and admitted to intensive care.⁶ Emergency teams remained at the scene to assess the situation, as a dam had formed with water from a creek, which increased the vulnerability of the area.⁷

Since the incident it has come to light that the municipality was already aware about the instability in this area. According to the municipal mayor, Dayri Bocanegra, the mayor's office had warned the communities in advance when, in November 2022, cracks appeared in the soil of the upper part of the hillside.⁸ The municipality notified the communities regarding an investigation carried out by the National Coordinator for Disaster Reduction (CONRED) and the National Institute of Seismology, Volcanology, Meteorology and Hydrology (INSIVUMEH).⁹ CONRED issued a report explaining that a crack, 700 meters long and between 0.20 and 0.30 meters wide, had appeared at the top of the slope and that there was a vertical displacement of between 0.20 and 0.62 meters with a depth of between 2.70 and 4 meters.¹⁰

There are two main causes for the appearance of these cracks: deforestation and extractivism. There is a quarry in the area that extracts geological materials; however, there is no record of a mining request nor license that had been granted in the database of the General Mining Directorate from the Ministry of Energy and Mines. The report mentions how extractivism in the area has created instability in the terrain and has accelerated the instability of the hillside. It recommends an evaluation of the type of extraction taking place in the area. The cracks appeared 90 meters away from the quarry. The municipal development plan had already contemplated the implementation of reforestation policies in the area in response to soil degradation. Furthermore, the municipality is in an area susceptible to landslides, as it is located on a fault line from north to south, and the area is therefore prone to seismic events.¹¹

International Mother Earth Day

International Mother Earth Day was commemorated on April 22. This was established on December 21, 2009 by the United Nations (UN) Assembly through resolution 64/126, where the signatory countries expressed their concerns about environmental degradation and negative impacts on nature resulting from human activity. "During this day, all entities at the national and international level are encouraged to convene and organize activities related to the care and maintenance of nature."¹²

In the context of the planetary climate crisis, UN agencies expressed their concern about the depletion of natural resources in the world, recognizing the rapid environmental degradation as a result of unsustainable consumption and production patterns that have had adverse consequences both for the Earth and for the health and general wellbeing of humanity. They also called for action and care for Mother Earth to address the critical state of the planet's ecosystems. The threats they mentioned included: climate change, human-induced changes in nature, crimes which disturb biodiversity-, deforestation, transformations in land-use, intensive agricultural and livestock production, and the growing trade in illegal wildlife. All of these can accelerate the destruction of the planet.¹³

⁵ Pérez Marroquín, C. y Domínguez, A., ["En el momento que me necesitaban no estuve": el conmovedor relato del padre de Ian, el niño que murió a causa de un derrumbe en Casillas](#), Prensa Libre, 25.04.2023.

⁶ Cuevas, D., [Muere segundo niño víctima del deslave en Casillas, Santa Rosa](#), Prensa Libre, 29.04.2023.

⁷ Pineda, S. y Domínguez, A., [Derrumbe en Casillas: El riesgo que aún preocupa en la zona donde ocurrió el deslizamiento que dejó viviendas soterradas](#), Prensa Libre, 25.04.2023.

⁸ Pérez Marroquín, C. y Domínguez, A., Op. Cit..

⁹ García, O., Domínguez, A. y Román, J., [Deslizamiento en Casillas: por qué se debe prestar atención a la degradación del suelo y cuál es el grado de vulnerabilidad de la zona](#), Prensa Libre, 28.04.2023.

¹⁰ Román, J. y Domínguez, A., [Grietas y desplazamiento de tierra: la alerta que se había emitido en la aldea Las Minas, Casillas Santa Rosa por extracción de materiales](#), Prensa Libre, 26.04.2023.

¹¹ *Ibidem* (nota 9 y 10).

¹² Redacción Nacional Geografic, [¿Por qué se celebra el Día de la Tierra?](#), National Geographic, 22.04.2022.

¹³ Naciones Unidas, [Cuidar a nuestra Madre Tierra: 22 de abril](#).

These threats are both severe and constant in Guatemala. Indigenous peoples' cosmovisions have acted as counterbalance, because these peoples have been defending the land for hundreds of years and fighting against the exploitation of natural resources: "it is not a business, it is our Mother and we have to defend her." Many communities are involved in the defense of territories and natural resources, demanding greater awareness for their collective management and care. According to indigenous leaders, the principal threats to these resources come from companies, many of which are transnational. For example, in the department of Alta Verapaz, one of the most pressing problems is national and foreign investments in palm oil, hydroelectric energy and oil companies.¹⁴

Instead of thanking defenders of land and territory for their invaluable work, however, they are attacked. They constantly face risks that endanger their well-being, their families and communities, and even their lives.

Democracy at Risk: Concern Grows Inside and Outside Guatemala

Representatives from the Washington Office on Latin America (WOLA) and Human Rights Watch (HRW) visited Guatemala this month, to verify and monitor the democratic situation in the country. They met with actors from various sectors: the diplomatic corps, international agencies and organizations, non-governmental human rights organizations, activists, lawyers and human rights lawyers, journalists and individuals from the private sector. They also requested meetings with State authorities, but these could not take place. They did manage to meet with magistrates from the Supreme Electoral Tribunal (TSE) and they visited Virginia Laparra, a former prosecutor who is now imprisoned.

In their evaluations following the visit, they emphasized their concerns over what they consider "the deepening of the closure of civil society spaces in Guatemala" through the intensification of persecution against the independent press, independent justice operators, human rights defenders and NGOs that fight on behalf of victims of serious human rights violations. With respect to the justice system, they affirm that "it has become a repressive arm that seeks to asphyxiate and strangle those who seek to tell the truth, those who investigate, those who promote freedom of expression, those who promote human rights", emphasizing that without the separation of powers there can be no full democracy. Two cases they cited as examples of this situation are that of former prosecutor Virginia Laparra, who has been "persecuted for the independent exercise of her function as prosecutor" and that of journalist Jose Ruben Zamora, which illustrates how the co-optation of the justice system has serious consequences for freedom of expression. They also highlighted their concern regarding the electoral process. The representatives from Wola said that they are very concerned about how different criteria have been applied in the registration or exclusion of candidacies from the election and that some people "have been denied the right to participate freely in an election, to have the possibility of being elected."

The HRW representative raised concerns about the situation in Guatemala and their belief that the international community and the Guatemalan private sector have a crucial role to play in protecting and preserving what little democracy remains in the country. He also noted that the diplomatic corps and the international community cannot be intimidated "by anachronistic and unserious efforts and interpretations of the principle of national sovereignty."¹⁵ In its 2022 annual report, Human Rights Watch had already denounced the deterioration of democracy in Guatemala, noting a precarious situation of respect for human rights and showing particular concern about the harassment and violence against journalists and human rights defenders, as well as the challenges in protecting the rights of women, girls, LGBTIQ people and migrants.¹⁶

¹⁴ Regina Pérez, [Día de la Tierra: dirigentes indígenas identifican a empresas como mayor amenaza](#), Prensa Comunitaria, 22.04.2023.

¹⁵ Román, J. y Montenegro, H., ["En Guatemala hay un proyecto autoritario que va camino a destruir la democracia en el país" dice delegación de Wola y HRW](#), Prensa Libre, 21.04.2023.

¹⁶ García, O., [Informe de Human Rights Watch señala daños a la "democracia en Guatemala" por actos de corrupción](#), Guatevisión, 12.01.2023.

2. ACCOMPANIMENTS¹⁷

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.¹⁸

THE FIGHT AGAINST IMPUNITY

This month we made several visits to the offices of the **Human Rights Law Firm (BDH)** to follow up on the ongoing proceedings and the security situation of the lawyers. We accompanied them to the following hearings:

- Hearing in the case of Dulce Maria Archila Cáceres, a university student, feminist and visual artist, accused of the crime of destruction to cultural property within the context of the demonstrations which occurred on November 21, 2021.
- Initial debate of the Dos Erres Case: this is the fourth trial seeking justice for what happened in the Dos Erres community, La Libertad, Petén, where a Kaibil regiment of the Guatemalan army perpetrated a massacre between December 6 and 8, 1982. It is estimated that some 200 people were killed, including men, women, elderly people and children. Opening arguments were held for all parties in the case and two expert witnesses and one witness testified.
- Two hearings in the Teacher Case, one for the continuation of the debate and the other for the ruling. The human rights defender Bernardo Caal Xol was acquitted of all crimes on April 19, as the judge determined that the Public Prosecutor's Office (MP) could not provide sufficient evidence for the crime of misappropriation nor withholding of 20 months of salary.
- A hearing of the Samococh Case, a trial against 23 officers from the National Civil Police (PNC) for the events that took place in the Samococh village, during which three protesters were killed. One defendant gave testimony, as well as two witnesses proposed for the defendants.



Regarding our accompaniment of the Hernández Agustín family in the **Luz Leticia Case**, we accompanied them to the hearing to amplify the case to include crimes against humanity against members of the Canahui family. The hearing was suspended because the new judge, Ms. Judith Secaida Lemus, was appointed to the proceedings of the Highest Risk Court B. The hearing was rescheduled for June 16, 2023.

¹⁷ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹⁸ 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

Regarding our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces Region**, we maintained telephone contact with their coordinator Lesbia Artola and attended two hearings:

- Initial hearing in the Chipantún Case, which involves two defendants accused of aggression and threats for events which occurred on December 31, 2020 in the Chipantún Community. The hearing was postponed, since one of the defendants did not appear (the other is in prison for a previous conviction), so the judge declared the defendant absent and ordered his arrest.
- Initial hearing in the Manantial Case, which involves a community that has been settled on land (now in dispute) for more than 20 years. They are accused of disturbance of possession, which the lawyer considers a case of criminalization, since the agrarian conflict resolution channels have not been exhausted before opening a criminal proceeding.



As part of our accompaniment of the **Union of Peasant Organizations Las Verapaces (UVOC)**, we maintained telephone contact with their general coordinator, Carlos Morales, to follow up on the latest developments regarding the criminalization of members of the organization, as well as their security situation and their work in defense of human rights. We continue to note a growing concern for the increase in evictions and criminalization cases in this part of the country.

DEFENSE OF THE TERRITORY

On April 14, we accompanied Anabella España Reyes, Abelino Salvador Mejía, Flavio Vicente and Virgilio García Carrillo, criminalized human rights defenders from the **Community Council of Retalhuleu (CCR)**, to the signing of the registry in the Court of First Instance of Champerico, thus complying with the coercive measures imposed by the court in the framework of the legal process that is being carried out against them. The presentation of evidence and the beginning of the debate will take place in mid-May. We also accompanied a seed exchange fair that took place in Retalhuleu.

We met with members of the **Council of Maya Ch'orti' Authorities of Olopa** to update us on the context of the region, as well as to follow up on the criminalization processes against members of the Council. In this regard, four people were notified to present themselves at the MP of Equipulas, which could mean a further case of criminalization.

As part of our accompaniment of the **Peaceful Resistance, La Puya**, we attended the monthly mass held at their encampment.

Regarding our accompaniment of **TZK'AT - Network of Ancestral Healers of Communitarian Feminism from Iximulew**, we have held several meetings with some of their members and we carried out monitoring tasks within the framework of their multiple activities.

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.

As part of our dialogue with the diplomatic corps and international organizations present in Guatemala, this month we met with:

- Alejandro Gallardo, Human Rights Officer from the **British Embassy in Guatemala**.
- Fernando Alameda Alvarado, Ministerial Counselor from the **Colombian Embassy in Guatemala**.
- Aitor Liendo and Roberto Romero from the Office of the United Nations High Commissioner for Human Rights (**OHCHR**).

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

- Fernando Jeremías Rodríguez, **Governor of Alta Verapaz**.
- Feliciano Cruz, Police Commissioner for the National Civil Police (**PNC**) de Alta Verapaz.
- Mary Beb, **PNC** officer in **Tactic (Alta Verapaz)**.
- Rosalio López López, Mayor; Estuardo Rocha, municipal secretary; Mario Pérez, first trustee and Roy Churuk, second trustee from the **Municipality of Champerico (Retalhuleu)**.

4. OTHER ACTIVITIES OF PBI GUATEMALA

This month we published our **Annual Report 2022**, which summarizes the work carried out by PBI Guatemala last year. With this publication we hope to contribute to the visibility of the important work carried out by women and men who defend human rights in Guatemala: <https://pbi-guatemala.org/es/multimedia/informe-anual>



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 of the project met this month with:

- Arnaud de Kerchove, Belgian delegate for the working group for the **Council of the European Union COLAC (Latin America and the Caribbean)**.
- Mathias Humenberger, delegate from Austria for the **Council of the European Union working group COLAC and COHOM (Human Rights)**.
- Yovo Panchev, delegate of Bulgaria to the Council of the European Union working group COLAC.
- Michel Forst, **Special Rapporteur for Environmental Defenders** of the Aarhus Convention, **United Nations** Economic Commission for Europe.
- Karolien Kras, Guatemala desk, and Vincent Ringenberg, Election Observation Mission Coordinator, both from the **European External Action Service (EEAS)**.
- Jan Petter Opdahl, Senior Adviser for Latin America and the Caribbean of the **Norwegian Ministry of Foreign Affairs**.
- Tilly Metz, MEP of the Green political group, **President of the Delegation for Central America of the European Parliament**, Lena Widefjall her assistant, and Garance Tardieu, advisor of the political group for 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.



Continúan la criminalización y las amenazas desde las redes sociales en los casos de José Rubén Zamora, defensores, familiares y trabajadores del elPeriódico

La Red Rompe el Miedo Guatemala condena los actos de acoso, amenazas, criminalización y hechos violatorios al derecho al debido proceso, en el marco de los procesos legales que se siguen contra el director de elPeriódico, José Rubén Zamora, 8 periodistas y columnistas de elPeriódico, acusados de obstruir la justicia, así como contra los abogados defensores de Zamora y, de manera más reciente, su primo Juan Carlos Marroquín Godoy.

Marroquín Godoy, detenido el 27 de abril de 2023, pasó más de tres días en una carceleta de la Torre de Tribunales y luego fue enviado por la jueza Carol Patricia Flores al centro de detención Mariscal Zavala, sin haber sido escuchado en primera declaración, lo cual constituye una violación de los derechos del detenido. El artículo 87 del Código Procesal Penal de Guatemala establece que: “Si el sindicado hubiere sido aprehendido, se dará aviso inmediatamente al juez de primera instancia o al juez de paz en su caso, para que declare en su presencia, dentro del plazo de 24 horas a contar desde su aprehensión (...).

Marroquín Godoy, quien se presentó a Tribunales con el fin de aceptar cargos y agilizar el proceso en su contra, permaneció todo ese tiempo en la carceleta porque, según autoridades del Organismo Judicial, no les fue posible comunicarse esos días con Raúl Falla, abogado de la Fundación Contra el Terrorismo (FTC). Con esa excusa, la jueza Carol Patricia Flores reprogramó la audiencia de primera declaración para hoy, 2 de mayo.

En el ínterin, circularon mensajes en las redes sociales de miembros de la FTC, donde se mencionaba con sorna que Marroquín Godoy no había podido bañarse por estar en la carceleta y donde además se intimidaba a jueces de turno. Uno de esos mensajes, publicado desde la cuenta de Ricardo Méndez Ruiz, integrante de la mencionada Fundación, se dirigió a la jueza de turno, a quien acusó de tráfico de influencias con la intención de liberar a Marroquín. Al final del mensaje dirigido a la jueza se escribió: ¡La @FTCGuatemala se hará cargo!

Por medio de mensajes en Twitter, Méndez Ruiz pidió también la captura del hijo de menor de Zamora Marroquín, Ramón, catalogándolo como un miembro más de una presunta estructura criminal en la que, afirman los querellantes, no solo participarían su padre y su tío, sino que además columnistas y periodistas de elPeriódico, quienes siguen siendo acosados. Hoy, 2 de mayo, día en que también se produce la audiencia de apertura a juicio de José Rubén Zamora, el jefe de la Fiscalía Especial contra la Impunidad (FECI), Rafael Curruchiche, indicó a la prensa que continúa la investigación en contra de los periodistas y columnistas mencionados, y que en su momento dará a conocer las conclusiones.



Curruchice dijo además a la prensa que su fiscalía desarrolla las investigaciones contra los periodistas, a pesar de que un juez ordenó que esta tarea fuera asignada por sorteo a un fiscal independiente, para garantizar objetividad.

También cabe destacar que Jose Rubén Zamora Marroquín acude hoy a su audiencia de apertura a juicio sin un abogado defensor que lo represente, ya que todos han sido llevados a proceso por la FTC, con acusaciones de obstaculización a la justicia, presentar pruebas falsas y de participar en una presunta estructura criminal. Los procesos contra las personas que han sido involucradas en estos casos no solo se caracterizan por arbitrariedades, sino que que vulneran la libertad de prensa, pues en los mismos se equipara a medios de comunicación con estructuras criminales que presuntamente obstaculizan la justicia. Con esto no solo se les criminaliza, sino que se tergiversa el verdadero fin de la labor periodística, que es informar, lo cual constituye un derecho garantizado por las leyes nacionales e internacionales.

Guatemala, 2 de mayo de 2023.

PBI team in Guatemala: Cristina Ortega (Spain), María Fernanda Bustamante (Chile), Fransk Martínez (Nicaragua), Inés Gesa (Spain), Antonio de Vivo (Italy), Gerard Paituvi Sanchez (Spain), Lorna Ní Shúilleabháin (Ireland).

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