



Monthly Information Package Guatemala

Number 237 - June 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.

The Difficult Defense of LGBTIQ+ Rights in Guatemala

June is known internationally as LGBTIQ+ Pride Month.¹ Sexual and gender diversity is celebrated during this month, and marches and celebrations are held across much of the world. In Guatemala, however, there is little to celebrate and much to demand.

This year the march was moved to July so that it would not coincide with the first round of the general elections, which took place on June 25. Many candidates publicly disparaged the LGBTIQ+ population during the election campaign, under the guise of traditional family and religious values. Some parties even signed a statement assuring that, if elected, they would not promote legal initiatives in favor of the protection of these rights, such as marriage equality.²

On the other hand, on June 17, a member of the LGBTIQ+ community was murdered and two more were injured in an armed attack.³ This makes 17 deaths of LGBTIQ+ people since the beginning of 2023, according to data from the National Observatory for LGBTIQ+ Human Rights.⁴ In 2022 there were 27 violent deaths according to figures from the United Nations High Commissioner for Human Rights - UNHCHR -⁵ (this figure rises to 30 according to the Observatory's register).⁶

The lack of rights, guarantees and protection for the LGBTIQ+ population is of concern to both the international community and Guatemalan civil society. The OHCHR has called on the Guatemalan State to urgently adopt preventive and protective measures in the face of the alarming rates of stigmatization, harassment, discrimination and rates of violence experienced by this population.⁷ In addition, several UN Committees have urged Guatemala to guarantee the physical integrity of LGBTIQ+ people and to combat prejudice and discrimination in access to justice. They have also warned about the harmful effects of "conversion therapies" that attempt to change the gender identity and sexual orientation of LGBTIQ+ people.⁸

As part of the Universal Periodic Review (UPR), different Guatemalan civil society organizations have expressed their concern in this regard highlighting: the setbacks in the protection of this population; the lack of official data; the difficulties in accessing the labor market; the increased violence and how this has caused

¹ This acronym is used to refer to Lesbian, Gay, Transgender, Transsexual, Bisexual, Intersex, Queer and other non-heterosexual sexual identities and orientations.

² Kestler, C. y García, O., [Elecciones en Guatemala 2023: 18 binomios presidenciales firman declaración "Vida y Familia" de la asociación La Familia Importa](#), Prensa Libre, 31.05.2023.

³ Desfile de la Diversidad Sexual e Identidad de Género de Guatemala, [Comunicado de prensa](#), Facebook, 18.06.2023.

⁴ Observatorio Nacional de Derechos Humanos LGBTIQ+, [Denuncia pública](#), Twitter, 18.06.2023.

⁵ ACNUDH, [Situación de los derechos humanos en Guatemala. Informe del Alto Comisionado de Naciones Unidas para los Derechos Humanos](#), 26.01.2023.

⁶ Toro Escobar, D., [Manuel Villacorta, el candidato guatemalteco que legalizará la "unión civil"](#), Swissinfo, 31.05.2023.

⁷ ACNUDH, Op. Cit.

⁸ Grupo de Trabajo sobre el Examen Periódico Universal, [Recopilación de información preparada por la Oficina Recopilación de información preparada por la Oficina](#), Asamblea General, 21.11.2022.

forced displacement and migration; and the lack of interest by judicial institutions to investigate and prosecute the attacks and discrimination suffered by LGBTQI+ people in Guatemala.⁹

Evictions of indigenous and peasant communities undermine their ancestral and human rights

The ongoing conflict over land tenure in Guatemala remains an unresolved historical and structural problem, which often culminates in evictions of indigenous and peasant communities, undermining the ancestral rights of these communities and violating their basic human rights. These evictions "have continued even in the electoral context, despite the fact that international standards prohibit forced evictions." In 2022, more than 70 evictions were reported, with particular frequency in the departments of Alta Verapaz, Baja Verapaz, Izabal, Quiché, Petén, Escuintla and Santa Rosa. "The rates of poverty, inequality and repression in rural areas have worsened, reflecting a permanent state of insecurity over land and aggressions against peasant communities and indigenous peoples in their territories." The Peace Accords included a commitment to addressing the root of this problem, specifically through the Agreement on Socioeconomic Aspects and Agrarian Situation. Almost three decades later, however, the various governments have increasingly neglected this issue. The lack of ratified laws, the weakening of the Land Fund, as well as the closure of the Secretary of Agrarian Affairs and the Presidential Commission for the Coordination of the Executive's Policy on Human Rights, have abandoned the communities to their fate and exponentially increased their situation of vulnerability. In this context, the affected families are forced to migrate internally and externally, as a result rural work has been increasingly abandoned causing a decrease in food production for the consumption of the national population, as the rural, peasant and indigenous communities are those who cultivate the land.¹⁰

Faced with the State's inaction, communities have had to organize themselves, developing technical, legal and political capacities, with the support of local and international organizations. This has allowed them to position the problem of access to land, the right to defend it and the violence suffered by people and communities who defend land and territory on a wider scale. In this context, indigenous and peasant organizations, in alliance with the International Land Coalition in Latin America and the Caribbean (ILC-ALC), launched a campaign on June 15 called "Stop evictions in Guatemala." The campaign involves various activities, such as discussions to raise awareness of the urgency of stopping violence in the countryside and promoting real rural development.¹¹

21 of June: National Day Against Forced Disappearance

Forty-three years ago, on June 21, 1980, 27 union and student leaders were gathered in "the center of the Guatemalan capital, when they were captured and disappeared by agents of the State security forces". Following "multiple protests and activities to call the attention of the public authorities, in June 2004, the Guatemalan Congress decreed June 21 as the National Day against Enforced Disappearance".¹² Since then, organizations and collectives of relatives demonstrated in the streets demanding clarification, reparation and justice for all victims of the Internal Armed Conflict (IAC) on June 21.¹³

Guatemala is Latin American country with the highest number of victims of forced disappearance. Around 45 thousand people were disappeared during the IAC, according to the "Guatemala, Memory of Silence" report from the Commission for Historical Clarification (CEH), which concluded that the forced disappearance of people in Guatemala constituted a systematic practice: "The victims were peasants, peasant farmers, social leaders, students, professors, political leaders, members of communities, religious, religious, children, mostly indigenous."¹⁴

⁹ Grupo de Trabajo sobre el Examen Periódico Universal, [Resumen de las comunicaciones de las partes interesadas sobre Guatemala](#), Asamblea General, 31.10.2022.

¹⁰ Coalición Nacional por la Tierra, [Declaratoria: Alto a Los Desalojos de Las Comunidades en Guatemala !](#), Land Rights Now, 15.06.2023.

¹¹ Otra Guatemala Ya, [Conversatorio con Representantes de Land Rights Now](#), 19.06.2023.

¹² Asociación Comunicarte, [GUATEMALA: 21 DE JUNIO "DÍA NACIONAL CONTRA LA DESAPARICIÓN FORZADA"](#), 18.06.2020.

¹³ Verdad Justicia y Memoria, [Conferencia de Prensa En el Marco de la Conmemoración del 21 de junio "DÍA NACIONAL CONTRA LA DESAPARICIÓN FORZADA"](#), 21.06.2023.

¹⁴ CIIDH, GTDF, GAM y FAMDEGUA, [MANUAL DE BÚSQUEDA DE PERSONAS DESAPARECIDAS POR CAUSAS DEL CONFLICTO ARMADO Y EXPERIENCIAS DESPUÉS DEL REENCUENTRO](#), Guatemala, Octubre 2020.

UN Working Group demands release of Virginia Laparra

On December 16, 2022, Virginia Laparra, former head of the Special Prosecutor's Office against Impunity (FECI) of Quetzaltenango, was sentenced to four commutable years of imprisonment, at the rate of Q10 per day, by the Eighth Criminal Sentencing Court. Laparra faced prosecution because in 2018 she denounced judge Lester Castellanos on four occasions. According to Laparra she was doing her job, which contradicts Castellanos' accusation that she was leaking information. The former prosecutor declared that this accusation was an act of revenge, not necessarily against her, but against the International Commission Against Impunity in Guatemala (CICIG).¹⁵

Last May, the magistrates of the Second Appeals Chamber rejected the appeal in favor of Virginia Laparra.¹⁶ The former prosecutor has been in preventive detention for more than 15 months, and although the sentence is commutable, she was denied house arrest, because the Public Prosecutor's Office (MP) alleges that she is a flight risk and she also has a second case against her.¹⁷

This June, the United Nations Working Group on Arbitrary Detention concluded that the judicial bodies have not provided the necessary justification for keeping Laparra in prison. According to this commission, she is being detained "for exercising her fundamental rights and freedoms." For this reason, they consider that her detention was arbitrary and have requested that she be released and that she be granted measures of dignified reparation. They concluded that the State of Guatemala should investigate the circumstances under which Laparra was imprisoned and initiate proceedings against those responsible. Meanwhile, the Guatemalan Foreign Minister indicated that the opinion of the working group is not binding on the State.¹⁸

The international community continues to show solidarity with Laparra. She was recently awarded the Quetzal Prize for Human Rights and Democracy by the solidarity organization Guatebelga, in recognition of her fight against corruption and the dismantling of criminal and clandestine structures within the State.¹⁹ Her lawyer, Claudia González Orellana, received the Lawyers for Lawyers award for lawyers who continue to practice their work despite the risks involved.²⁰

¹⁵ Román, J. Y Pitán, E., [Confirman sentencia de 4 años de prisión conmutables contra exfiscal Virginia Laparra por abuso de autoridad](#), Prensa Libre, 09.05.2023.

¹⁶ Valdéz, A., [Sala rechaza apelación de Virginia Laparra y le confirma condena conmutable](#), Prensa Comunitaria, 09.05.2023.

¹⁷ Marroquín, C.P y Toc, M., [Exfiscal Virginia Laparra enfrentará un segundo juicio y seguirá en prisión preventiva](#), Prensa Libre, 21.04.2023.

¹⁸ EFE y Pitán, E., [Naciones Unidas exige liberación de exfiscal Virginia Laparra y señala que detención es "arbitraria"; qué respondió Guatemala](#). Prensa Libre, 13.06.2023.

¹⁹ España, D., [Premian a exfiscal Virginia Laparra por su trabajo anticorrupción](#), La Hora, 19.05.2023.

²⁰ Espinoza, I., [Fundación holandesa reconoce a abogada guatemalteca por su lucha contra la impunidad](#), Prensa Comunitaria, 11.05.2023.

2. ACCOMPANIMENTS²¹

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.²²

THE FIGHT AGAINST IMPUNITY

This month we accompanied the **Human Rights Law Firm (BDH)** to the following hearings, to follow up on the security situation of the lawyers and the judicial processes underway:

- Two hearings in the Dos Erres Case, where four survivors of the massacre perpetrated in 1982 testified, as well as experts specialized in different fields. During these hearings, the life of the peasants of the Dos Erres plot, a community which specialized in corn and bean production, which also had two churches and a rural elementary school, was recounted. The forensic anthropology expert established that there were 237 victims from the three-day massacre, including 111 minors and two unborn children.
- Four hearings of the Samococh Case, where the parties presented their conclusions in the case. The Public Prosecutor convicted six defendants on various criminal charges and to request that the possibility of a plea bargain be granted to the remaining 19. The adhesive plaintiffs, the widows of Sebastián Rax Caal, Luciano Can Jucub and the mother of Oscar Chen Quej, asked for the conviction of five defendants for the extrajudicial execution of their husbands and son. The adhesive plaintiff Claudia Samayoa asked the court to confirm the nature of the incidents, in view of the situation between the National Civil Police (PNC) and the community in relationship. Finally, on Wednesday, June 29, the High Risk Court "B" sentenced three PNC agents to minimum and commutable sentences, and acquitted them of extrajudicial execution. It also acquitted 20 defendants of participating in the murder of three people from the Samococh community (Alta Verapaz) in August 2014.
- A hearing in the Diario Militar Case, in which the court intended to review the relevance of declarations of anticipation of evidence in the case. The hearing was suspended because the judge was attending another case. There was no notification for a new hearing.
- A continuation hearing of the Semuc Case in the municipality of Cobán. In this case, seven community leaders are accused of the crimes of trespassing on protected areas and instigation to commit a crime, allegedly perpetrated in the context of a peaceful demonstration in opposition to the state administration of the area, which is responsibility of the National Council of Protected Areas (CONAP), which took place in 2015. The problem stems from the declaration of the park as a Protected Area without obtaining the free, prior and informed consent of the population.



²¹ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

²² See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

On June 9, we accompanied **FAMDEGUA** and several proposed witnesses from the Dos Erres case to Petén. Four survivors (two men and two women) gave their testimony via video conference from the Petén Peace Court.

THE ISSUE OF ACCESS TO LAND

With respect to our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces Region**, we maintained telephone contact and met with the coordinator Lesbia Artola. In addition, we visited the six CCDA community members imprisoned at the Cobán Penitentiary Center.

We also attended a hearing for the continuation of the debate in the case against Jose Gualna Che, of the Río Cristalino community, who is accused of aggravated trespassing and damage to property by the Dieseldorff family, who together with the Public Prosecutor's Office, presented five witnesses.

As part of our accompaniment of the **Union of Peasant Organizations Las Verapaces (UVOC)**, we met with the general coordinator, Carlos Morales, to follow up on the latest developments in the criminalization of members of the organization, as well as their security situation and their work in defense of human rights.



DEFENSE OF THE TERRITORY

We visited **Chinautla Multisector** at the sit-in located at Km 12 on the Chinautla highway, and met with various members of the community. Despite the difficult situation, the sit-in remains in place to raise awareness of the pollution and impact on the indigenous population by the work of sand mining companies who continue to operate without a license.

As part of our accompaniment to the **Peaceful Resistance, La Puya**, we attended the monthly mass which they celebrate at their sit-in.

With respect to our accompaniment of **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, we met with some of its members and carried out monitoring tasks in 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.

In our dialogue with the diplomatic corps and international organizations present in Guatemala, this month we met with Ariel Martins, Consul General of the **Argentinian Embassy in Guatemala**.

Regarding our dialogue with Guatemalan authorities, this month we met with Sergio Pineda (Assistant), Albricia Vechini and Jorge Cuevas (Extensionists), from the **Regional Headquarters of the Presidential Commission for Peace and Human Rights (COPADEF) in Cobán, Alta Verapaz**.

4. OTHER ACTIVITIES OF PBI GUATEMALA

On June 13 we broadcast a new edition of our program **ACÉRCATE**, in which we interviewed Abelino Mejía, member of the Council of Communities of Retalhuleu (CCR), who, along with three other members of the organization, has suffered a criminalization process for defending the right to water, which has lasted almost six years. It is available on our website: <https://pbi-guatemala.org/es/multimedia/ac%C3%A9rcate>



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.

This month, the European Representative for the project met with Ana Miranda MEP of the Green political group, Garance Tardieu, advisor to the Green political group on Latin America, and Lena Widefjall, assistant to Tilly Metz MEP of the same group and chair of the **European Parliament's Delegation for Central 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.



AMNISTÍA DE HECHO

En total incumplimiento y desacato a lo ordenado por la Corte Interamericana de Derechos Humanos, la Corte suprema de Justicia ordenó a la Sala Primera de Mayor Riesgo ejecutar la sentencia Dictada por la Corte de Constitucionalidad con fecha 6 de marzo en donde otorga medida sustitutiva y benéfica con arresto domiciliario a Francisco Luis Gordillo Martínez, Manuel Antonio Callejas y Callejas y Manuel Benedicto Lucas García condenados por el Caso Molina Theissen.

Esta acción ordenada por la Corte suprema de Justicia genera retrocesos en materia de derechos humanos y contraviene los convenios y tratados internacionales ratificados por el Estado de Guatemala, así también evidencia la impunidad y el descaro con que actúan las altas cortes del país, dictando resoluciones a la medida y otorgando amnistía de hecho a criminales vinculados a graves violaciones a derechos humanos en el pasado.

Con esta resolución manifiestamente ilegal los Magistrados de la Corte suprema de Justicia y de la Corte de Constitucionalidad incurrir en responsabilidad penal por inducir a ejecutar un amparo inejecutable invocando derecho interno para no cumplir con sus obligaciones internacionales, así el Estado de Guatemala nuevamente comete desacato frente a lo ordenado por la Corte. También constituye un revés y un duro golpe a las víctimas que por muchos años han luchado para esclarecer y buscar justicia por las graves violaciones a los derechos humanos cometidos durante el conflicto armado interno, en donde sectores involucrados están allanando el camino para que los mismos queden en el olvido y la impunidad.

Pedimos a la Corte Interamericana de Derechos Humanos se pronuncie ante tal aberración jurídica y condene al Estado de Guatemala por el incumplimiento de las resoluciones dictadas por este alto órgano internacional, las cuales tienen preeminencia sobre la legislación local.

Manifestamos nuestra admiración y solidaridad con la familia Molina Theissen que a lo largo de muchos años han luchado por conocer el paradero de Marco Antonio Molina Theissen quien fue desaparecido por el Ejército de Guatemala y que en sentencia emitida el 23 de mayo de 2018 se logró comprobar la responsabilidad de los criminales que hoy fueron beneficiados.

Seguiremos luchando con todas las fuerzas, devolviendo la esperanza para que los crímenes cometidos en el conflicto armado interno NO queden en la impunidad.

Guatemala 09 de junio de 2023.

Centro para la Acción Legal en Derechos Humanos -CALDH-
Equipo de Estudios Comunitarios y Acción Psicosocial -ECAP-
Seguridad en Democracia -SEDEM-
Unidad de Protección a Defensoras y Defensores de Derechos Humanos -UDEFEQUA-



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

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