



Monthly Information Package Guatemala

Number 238 - July 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.

Guatemalan democracy at risk after the first round of elections

During the month of July, all attention was focused on Guatemala's surprising results of the general elections and everything that followed. The political parties which obtained the highest number of votes - after the spoiled votes, which accounted for the most votes - and who will proceed to the second round are the Unidad Nacional de la Esperanza (National Unity of Hope - UNE) with their presidential candidate Sandra Torres and, against all odds, the progressive party Movimiento Semilla (Seed Movement) with their presidential candidate Bernardo Arévalo. As soon as the results were published, several of the losing parties launched a legal battle to invalidate the results. These attempts were unsuccessful and so the Public Prosecutor's Office (MP) then began a series of investigations into Semilla and its members, as well as against staff of the Supreme Electoral Tribunal (TSE). These actions provoked consternation in the general public and across broad sectors of civil society, such as indigenous authorities and social organisations who, through multiple marches and comunicués, have demanded the resignation of the Attorney General, Consuela Porras, her prosecutor, Rafael Curruchiche, and the judge Fredy Orellana.¹ The attempts at judicializing the electoral process are also of great concern to the international community, with international organisations,² neighbouring countries across the Americas,³ the European Union⁴ and several of its member states, issuing statements of concern and the Organisation of American States (OAS) also held an extraordinary session.⁵ The various national and international electoral observation missions and the Guatemalan private sector have also made statements on the matter. All the statements, without exception, call for respect for the will of the Guatemalan people, as expressed through the June 25 vote.⁶

130 families evicted in Huehuetenango⁷

On Wednesday July 19, some 130 families from the community of Kumatz, in Santa Cruz Barillas, Huehuetenango, were violently evicted by more than 2,500 agents of the National Civil Police (PNC). This is a community of returnees located along the Franja Transversal del Norte (FTN), in the village of Río Espíritu, 570 kilometres from Guatemala City. The dispossession of indigenous peoples from their land in this region goes back generations and has occurred systematically due to the expansion of oil palm cultivation and extractive activities.

¹ Rodríguez, S., [Desde los territorios exigen la renuncia de Consuelo Porras](#), Prensa Comunitaria, 24.07.2023.

² Redacción, [Alto Comisionado ve intento de irrespetar voluntad de los guatemaltecos](#), La Hora, 27.07.2023.

³ Cuevas, D. y Román, J., [Países miembros de la OEA rechazan presiones sobre el TSE en el marco de la segunda vuelta electoral](#), Prensa Libre, 26.07.2023; Laz, E., [Estados Unidos pone más atención a elecciones en Guatemala](#), La Hora, 27.07.2023.

⁴ Unión Europea, [Misión de observación electoral de la Unión Europea Guatemala 2023](#), varios en julio 2023.

⁵ Laz, E., [Palencia a OEA: rechazo de resultados generó clima desfavorable](#), La Hora, 26.07.2023.

⁶ López, E., [Sector empresarial llama a respetar el voto ciudadano](#), publinews.gt, 13.07.2023; González, A., [UE muestra preocupación y hace un llamado a respetar los resultados de las elecciones en Guatemala](#), Republica.gt, 21.07.2023.

⁷ All the information on that notes that doesn't have a different source is take from: Pérez, J., Pez, L., Francisco, S. A., [Crónica de un desalojo contra pobladores indígenas en Santa Cruz Barillas](#), Prensa Comunitaria, 20.07.2023 y Francisco, S. A., [Huehuetenango: queman viviendas y animales de familias indígenas de Kumatz](#), Prensa Comunitaria, 21.07.2023.

This eviction is a clear example of the historical conflict over land that indigenous and peasant communities continue to face, where they have been repeatedly dispossessed of their land while looking for a way to survive by farming and producing food in the face of the activities of national and international landowners who seek to profit by using the land for extractive projects.

On April 30, 2022, more than 130 families of Mayan Q'anjob'al, Akateko and Chuj origin returned to Kumatz II and Sargentos, two communities located in the municipality of Santa Cruz Barillas, in Huehuetenango. They are survivors of the Internal Armed Conflict (IAC) and descendants of people who were displaced, forced to leave their lands during the conflict and take refuge in Mexico. Mateo Gaspar Juan, one of the survivors, recalls that the village of Kumatz II was destroyed in the 1980s by the army. Now they have returned to recover both their ancestral lands and the remains of their murdered relatives. Of these families, some 500 people came from the states of Chiapas, Quintana Roo and Campeche, Mexico. Some of these people are elders who claim that their names are registered on the land deeds and that this was the reason that motivated them to return.

Since their return to Kumatz, they have reported becoming victims of different types of attacks from members of the Herrera family, who occupied the land while the displaced families were in Mexico. The Herrera family requested the eviction order, which was executed this July. A month earlier, on June 13, an armed group made up by members of this family attacked the community.

According to the MP, the Public Prosecutor's Office against Trespassing Crimes also participated in the eviction, with the aim of recovering and handing over the property (the Sargento and Nubila farms) to the presumed owner. This office was created following the lobbying efforts of the Property Rights Observatory, which was created a year ago by the Coordinating Committee of Agricultural, Commercial, Industrial and Financial Associations (CACIF).⁸

The implementation of the eviction order was marked by several irregularities. According to the villagers, the judge in charge did not identify himself properly, arrived at the community along with the riot police at about 11:00 a.m. and told the people that they had 20 minutes maximum to leave. The people of Kumatz demanded to see the eviction order, however, he responded that all processes had been exhausted and that a court had determined that they were not the owners of the land. "They should show us with documents indicating when we were summoned, because we have not received any summons from the Santa Eulalia court," said one of the residents. Several hours later, at about 4:00 p.m., riot police managed to enter the community, surrounded the houses and an hour later carried out the eviction. The families left behind clothes, kitchen utensils, animals and crops. "On the day of the eviction the commissioner and the Justice of the Peace said that we have between 15 and 20 days to collect our belongings, but the farmers reneged on the promise."

The next day they had to watch as their homes, belongings and animals were burned by private individuals and private security personal working for the landlords. They also reported violence against women and children during the eviction, including physical aggressions where some women were grabbed by their hair. They also reported physical aggressions against the men by the PNC. According to another resident, they lost communication during the eviction with several families, pregnant women, adults, children and their whereabouts are still unknown. Several families have taken refuge with relatives in neighboring villages.

According to the community, the dream of recovering their land has been interrupted by the eviction, the burning of their homes, aggressions and harassment. "We tried to recover the land we left when the Guatemalan Army massacred our grandmothers and grandfathers during the war, now that we are returning to recover it, they evict us and want to kill us, so where are our rights?" asks Catarina Lucas while carrying some of her belongings that she managed to save.

The agrarian conflict in Guatemala is a structural problem with deep historical roots, through which the indigenous peoples' ways of life have been and continue to be seriously undermined.

⁸ PBI Guatemala, [Escalating agrarian conflict: the situation in the Verapaces worsens](#), Bulletin 48, December 2022.

Virginia Laparra obtains alternative measures but remains in prison

The judge presiding over the second case against the former anti-corruption prosecutor Virginia Laparra, who was named as a prisoner of conscience by Amnesty International, has granted her substitutive measures. Contrary to the claims of the the Public Prosecutor's Office and the adhesive plaintiffs, the judge decided that Laparra does not represent a flight risk. However, due to the original case against her, which is in the appeal phase, she must remain in prison for the time being.

Several international organizations are demanding her release and claim that her imprisonment is an act of revenge, as she has been criminalized for her fight against corruption.⁹ Laparra's release has also been demanded by participants in the marches that have been carried out to denounce the attempts to invalidate the electoral results by the MP.

Climate crisis threatens the sovereignty and food security of thousands of families.

This year, the irregular start to winter has caused great concern among the indigenous and peasant population across different areas of the country, as it will strongly affect their crops.

Members of the association of cardamom producers and other basic grains in the municipality of Ixcán, Quiché, warn of heavy crop losses caused by the prolonged drought, due to the El Niño phenomenon. The affected farmers report that the drought has damaged the growing cornfields in most of the 200+ communities in Ixcán. Domingo Vi Ortega, farmer from the community of Santiago Ixcán, warned that the lack of a corn harvest could lead to famine, forced migration and widespread malnutrition in the communities.

As for cardamom production, losses are expected to be in the millions. According to Rolando Guillén Boch, who is helping with the data collection, some farmers have lost between 6 and 40 plots of cardamom, which works out at an average of 20 plots of damaged cardamom for each affected farmer, according to the initial data coming from the communities. Estimates indicate that each lot produces an average of three quintals of cherry cardamom at an approximate price of Q500 per quintal, which means a loss of Q1,500 per lot. Cardamom producers explain that income from this product is closely linked to food security and sovereignty; in turn, it is the main economic source for paying for their children's education.¹⁰

On the other hand, in the north of Huehuetenango, heavy rains accompanied by wind have caused the total destruction of crops, mainly corn crops, which is the main source of livelihood for many families in the municipalities of San Juan Ixcoy, Santa Eulalia and San Mateo Ixtatán. This year the rainy season was delayed. The people of San Juan Ixcoy began planting between the end of February and mid-May, but several farmers lost up to half of their crops due to the lack of rain, and when it did come, it came with such force that it destroyed the crops.

Communities have also experienced disasters caused by landslides and mudslides. The people of the municipality of San Juan Ixcoy have been monitoring the rain patterns on social networks which have caused fear in many families. They are "traumatized" by the experiences they lived through during storms Eta and Iota in November 2020, when they lost their homes and loved ones.¹¹

Meanwhile, the farmers of Champerico, Retalhuleu, expressed their concerns in their Facebook account for the corn crops that have been lost in their entirety due to the severe droughts in this region. This means that families will not have enough food for their subsistence. Almost 65% of their cornfields are already dry and do not yield corn. They warn that this will provoke a food crisis for the families that live from agriculture, which are the vast majority of the region's population.

All communities and collectives demand the activation of an institutional alert and denounce the lack of attention from the delegation of the Ministry of Agriculture, Livestock and Food and the Ministry of Finance to the crisis they are facing.¹²

⁹ España, D., [Más cerca de salir: Laparra obtiene libertad condicional](#), La Hora, 26.07.2023.

¹⁰ Botón, S., [Campesinos de Ixcán advierten que la pérdida de cultivos provocaría hambruna y migración forzada](#), Prensa Comunitaria, 12.07.2023.

¹¹ Pablo, E., [Lluvias con viento destruyen siembras de milpa en Huehuetenango](#), Prensa Comunitaria, 14.07.2023.

¹² Entrada facebook del [Consejo de comunidades Soberanía Alimentaria en la Costa sur](#), 28.07.2023.

2. ACCOMPANIMENTS¹³

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.¹⁴

THE FIGHT AGAINST IMPUNITY

This month we accompanied the **Human Rights Law Firm (BDH)** to the following hearings:

- Three hearings in the continuation of the Dos Erres Case, where an expert witness put forward by the MP explained in depth the context of the IAC in Petén, as well as the functioning of the Kaibil unit at that time. In addition, two evidence previews were presented, including a US classified document and an audio statement from a survivor of the massacre who managed to flee when he was 11 years old.
- One hearing in the #21N Case, where Dulce María Archila and Nanci Sinto are accused for the crime of Destruction of Cultural Property in the framework of the #21N and #28N protests of 2020. In the hearing, a positive response was given to the petition for recusal of the court.

As part of our accompaniment to the **family of Luz Leticia**, we attended several hearings in the intermediate stage of this case, where all the parties presented evidence. In the July 7 hearing to conclude the intermediate stage of the case the defendant Jose Francisco Cifuentes Cano was indicted for the crimes of forced disappearance and crimes against humanity based on the investigation presented by the MP. The judge concluded that the investigation meets the objective criteria for demonstrating the relevance of the incidents and proceeded to bring the case before a sentencing court. The judge scheduled the hearing for the parties involved to offer evidence on August 1, 2023 at 8:30 am.



THE ISSUE OF ACCESS TO LAND

Regarding our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces Region**, this July we maintained telephone contact and met with its coordinator Lesbia Artola. In addition, we visited the six CCDA community members deprived of their freedom who are in the Cobán Penitentiary Center.

Regarding our accompaniment of the **Union of Peasant Organizations Las Verapaces (UVOC)**, we continued our regular meetings with their 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 defence of human rights.

DEFENSE OF THE TERRITORY

In Cobán, we met with members of the **Peaceful Resistance of Cahabón** to follow up on the problems faced by the indigenous communities of the area in their struggles for land and territory, where evictions are part of the daily reality in the territory surrounding the Cahabón River.

¹³ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹⁴ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>



We visited the **Multisector Chinautla** at the sit-in located at km 12 of the Chinautla highway, and met with various people from the community. We visited a number of places in the area, including private homes, bridges and roads, and were able to document and demonstrate the serious damage to infrastructure and homes, as a result of landslides caused by massive clay extraction.

As part of our accompaniment to the **Peaceful Resistance of La Puya**, we attended the mass that they celebrate at their sit-in as we do every month.

With respect to our accompaniment of **TZK'AT - Network of Ancestral Healers of Community Feminism from**

Iximulew, we 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, we met with Roberto Romero of the Office of **the United Nations High Commissioner for Human Rights (OHCHR)** this month.

Regarding our dialogue with Guatemalan authorities, this month we met with the staff in charge of two Ombudsman's Offices of the **Human Rights Ombudsman (PDH)**: Lesly Martínez Díaz, head of the **Ombudsman's Office for Women**, and Henry España, head of the **Ombudsman's Office for Persons of Sexual Diversity**.

4. OTHER ACTIVITIES OF PBI GUATEMALA

This month we visited the **Mutual Support Group (GAM)**, one of the first organizations that PBI accompanied in the 80s and 90s of the 20th century.

With respect to capacity building, this month we organized two spaces:

- **A regional healing meeting** facilitated by the Network of Ancestral Healers, attended by 25 women defenders accompanied by PBI in Colombia, Guatemala and Honduras, which was held on July 10 and 11 in Chiquimula.
- A security workshop facilitated by Q'eqchi' experts in the field was held on July 24 and 25 in Senahú, Alta Verapaz, with participation from 23 women human rights defenders from UVOC



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 project's European Representative met with:

- Djamila Chikhi, Latin America desk and Santiago Mondragón, **Central America desk, from the Secretariat of the European Parliament's Subcommittee on Human Rights.**
- Karolien Kras, Central America desk of the **European External Action Service (EEAS).**
- Mathias Humenberger, delegate of the Permanent Representation of Austria to the European Union in the **Latin America Working Group** and the **Human Rights Working Group of the European Council.**
- **United Nations:** Davide Tundo, Guatemala desk at the **Office of the High Commissioner for Human Rights in Geneva**, Sophie Helle and John Clarke of the **Office of the Special Rapporteur on Human Rights Defenders**, Frederique Borque of the **Office of the Special Rapporteur on the Environment**, Daniela Chavez of the Office of the **Special Rapporteur on Water and Sanitation**, Mariana Ahualli of the Office of the **Working Group on Business and Human Rights** and Miriam Chavajay of **the Office of the High Commissioner for Human Rights in Guatemala.**
- Arnaud de Kerchove, delegate of the Permanent Representation of Belgium to the European Union in the Latin America Working Group of the Council of the European Union.
- Sofía López Piqueres, assistant to MEP Jordi Cañas of the **Renew Group of the European Parliament.**
- Iago Gil Aguado, delegate from the Permanent Representation of Spain to the European Union in the Latin America Working Group and in the Human Rights Working Group of the Council of the European Union.
- Vincent Ringenberg, technical chief of the **EEAS electoral observation mission to Guatemala.**

We also participated in a meeting between NGOs and Volker Tuerk, **UN High Commissioner for Human Rights.**

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.



ODHAG | OFICINA DE DERECHOS
HUMANOS DEL ARZOBISPADO
DE GUATEMALA

La Asociación para la Justicia y la Reconciliación (AJR) y la ODHAG

A la opinión pública, nacional e internacional denuncia:

Este viernes 28 de julio de 2023, mediante acciones ilegales de representación, variando las formas del proceso en contraposición a lo establecido en el código Procesal Penal, la Señora Karen Fischer en representación del ex Jefe del Estado Mayor General del Ejército, general retirado, Manuel Benedicto Lucas García, presentarán un memorial con el cual pretenden sorprender la buena fe de los jueces que integran el Tribunal de Mayor Riesgo "A", para cambiar la medida de prisión preventiva en que se encuentra y beneficiarlo con arresto domiciliario, en el caso que llevamos en su contra por Genocidio, Delitos Contra Deberes de Humanidad y Desaparición Forzada cometidos en contra del Grupo Étnico Maya Ixil, en el periodo de gobierno del General Romeo Lucas García (1978-1982).

En el mismo caso, también se encuentra procesado el ex Jefe de inteligencia militar, Manuel Antonio Callejas y Callejas, y ambos fueron sentenciados por Delitos contra Deberes de Humanidad, Desaparición Forzada y Violencia Sexual en el Caso conocido como *Molina Theissen*, y, además, Benedicto Lucas, se encuentra procesado por el Caso conocido como *CREOMPAZ*, por su participación en centenares de desapariciones forzadas en la antigua Zona Militar No. 21, ubicada en Cobán Alta Verapaz. En el Caso Molina Theissen, atentando contra los derechos de las víctimas, ya fueron favorecidos con la medida sustitutiva y lo mismo buscan en el caso CREOMPAZ.

Para ello, en nuestro caso, recurrirán a informes psiquiátricos tramitados, ordenados y elaborados, bajo mandato de la Señora INGRID JOHANA ROMERO ESCRIBA, Actual directora del Instituto Nacional de Ciencias Forenses –INCACIF-, hija del Coronel Augusto Romero, prima de la Magistrada Dina Josefina Ochoa Escribá y abogada del PRÓFUGO Mayor retirado Alfonso Tarzo de León Maldonado, presunto autor de Desaparición forzada, tortura y ejecuciones extrajudiciales en el caso denominado *Diario miliar*, lo cual evidencia el sesgo y el interés personal de la Directora esa institución a favor de los militares procesados. Militares que pese a su avanzada edad y sin remordimiento, siguen negando información y negando su responsabilidad delante de los centenares de familiares de las víctimas.

Alertamos y llamamos a los jueces y magistrados del Organismo Judicial, así como a los miembros de la Corte de Constitucionalidad, a no dejarse sorprender o peor aún a no prestarse deliberadamente a estos actos fuera de la ley y en contra del debido proceso.

A la población en general y a los organismos nacionales e internacionales de Derechos Humanos, a manifestarse en apoyo y respaldo a las víctimas, los equipos jurídicos que llevan los casos y los jueces quienes recae la responsabilidad de aplicar justicia pronta y cumplida.

Guatemala de la Asunción. 28-07-2023.

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**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

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