



Monthly Information Package Guatemala

Number 239 - August 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.

Concern over continued attacks on Movimiento Semilla's electoral victory

The second round of elections was held in Guatemala on August 20. The election was between Sandra Torres, the UNE candidate and winner of the first round (15% of the votes), and Bernardo Arévalo, the candidate from Movimiento Semilla (Seed Movement), who, against all odds, came second with 11% of the votes. Arévalo and his vice-president, Karin Herrera, won the second round with a wide margin of 58%, against Torres who only got 37% of the vote in her third attempt to become Guatemala's president. Once the results were known, the winning pair was recognized and congratulated by the presidents from across the Americas, the Organisation of American States (OAS) and the European Union. The international community issued several communiqués congratulating the Guatemalan population for their peaceful participation in the elections and supporting the president and vice-president-elect.¹

Semilla's victory led to spontaneous celebrations by the population across different parts of the country, which conveyed the hope the Guatemalan people have for recovering a state administration that will fight against Guatemala's serious corruption. The fight against corruption was the main commitment made by Semilla during their electoral campaign and its presidential candidates Arévalo/Herrera. This political party was formed in 2015, amidst the demonstrations against the corruption scandals which were brought to light through investigations carried out by the International Commission against Impunity in Guatemala (CICIG), which was expelled by the subsequent government of Jimmy Morales. Semilla ran for election for the first time in 2019, gaining seven seats in Congress, including Arévalo's seat.²

A week after Semilla's victory, however, the Public Prosecutor's Office (MP), under the command of Attorney General Consuelo Porras, began the process of judicialization and criminalization against the party and its members. In fact, they denounced a plot by the MP, the judiciary, the legislature and the Citizens' Registry to make the party.³ Indigenous Authorities and diverse civil society actors have denounced these actions as an attempt to ignore the voice of the people in the elections and they have been demonstrating to show their total rejection of this strategy.⁴

In addition, the Inter-American Commission on Human Rights (IACHR) revealed on 24 August, that there were two plans to assassinate Bernardo Arévalo and Karin Herrera, one of which was notified by prosecutors. In view of this situation, the IACHR granted them precautionary measures, "considering that they are in a serious and urgent situation of risk of irreparable harm to their rights in Guatemala."⁵

In early August, before the second round of elections, the OAS Secretary General, Luis Almagro, visited Guatemala and issued a report in which he expressed his concern about the judicialization of the electoral process in Guatemala, noting that it "is used in many cases to attack and intimidate". He also noted that

¹ Espinoza, I., [Diplomáticos y organizaciones reiteran su preocupación por los intentos de cancelar a Semilla](#), *Prensa Comunitaria*, 29.08.2023.

² Coronado, E., [Arévalo, presidente: la propuesta anticorrupción venció a la política tradicional](#), Plaza Pública, 22.08.2023.

³ Rios, R., [Semilla denuncia un complot para desaparecer al partido](#), *Prensa Comunitaria*, 30.08.2023.

⁴ Espinoza, I., [Ciudadanía pide a Giammattei la renuncia o destitución de Consuelo Porras](#), *Prensa Comunitaria*, 30.08.2023; Pérez, J., [Comunidades indígenas de Ixcán exigen el respeto de las elecciones](#), *Prensa Comunitaria*, 30.08.2023; [Comunicado De Escritores, Editores, Artistas E Intelectuales Guatemaltecos](#), 31.08.2013.

⁵ CIDH, [CIDH otorga medidas cautelares a Bernardo Arévalo y Karin Herrera, binomio presidencial del Movimiento Semilla](#), en Guatemala, 24.08.2023.

these processes are accompanied by campaigns "on social networks, sometimes with violent messages against those threatened."⁶

Bernardo Arévalo is the son of former president Juan José Arévalo Bermejo, whose mandate (1945-1951) is widely recognized and appreciated nationally and internationally, as it was the beginning of the so-called Guatemalan Democratic Spring (1944-1954) that put an end to the dictatorship of Jorge Ubico.

"Partial justice" for victims and survivors of the Rancho Bejuco massacre⁷

On 29 July 1982, a group of Civil Self-defense Patrolers (PAC) and military commissioners massacred 25 people, including pregnant women and minors, from the indigenous Achí community Rancho Bejuco, located in the village of Pacoj, municipality of Santa Cruz El Chol, Baja Verapaz. According to testimonies gathered from witnesses, the PAC threw explosives at the victims' homes, buried their bodies in a mass grave and, to ensure that the victims were dead, threw explosives into the grave. "According to the investigation, the armed forces committed the massacre because the men of this community had refused to join the PAC, a paramilitary force composed of peasants under the command of the state." The massacre was committed during the government of General Efraín Ríos Montt (1982-1983), who was convicted of the genocide of the Ixil people in a sentence handed down in 2013, which was later suspended by the Constitutional Court on technicalities.⁸ Consequently, a retrial was ordered, in 2018, by which time the former dictator had already passed away, the relevant court concluded once more that genocide DID take place during his term of office.⁹

On August 24, the High Risk Court D, presided over by Judge Walter Mazariegos, sentenced the retired military commander Juan Ovalle Salazar to 20 years of non-commutable imprisonment for the crimes against humanity committed in Rancho Bejuco. However, the court released military commissioners Mario Córdova and Santiago Cojón and acquitted former civilian patrol members Juan López, Carlos Sesam, Lauro Garrido, Lázaro Alvarado, Mario Garrido and Santos Cojón Galeano, on the grounds that they "did not act of their own free will" but "were forced to" commit the crimes.

Lucía Xiloj, the lawyer representing the families of the victims of this massacre, said that "this sentence leaves a bitter aftertaste." In her opinion, the judge ignored the fact that the "military commissioners and patrol members had assigned tasks and were under military command. There was evidence that the patrol members had discriminated this community and were willing to participate in the armed forces." Xiloj believes this ruling represents "partial justice", as there has been a conviction against the military officer who was in charge of the operation, but the other eight defendants have been acquitted. For this reason, she assured that they will appeal the ruling, because they consider that there are sufficient elements to convict all of the defendants. "The families have been demanding dignity for their victims for many and this has not been achieved. The court, in its ruling, questions why they did not leave the village, as if to suggest that it was their fault that they were murdered."

"Dozens of indigenous inhabitants and social organizations joined the victims' families in the Human Rights Square, located next to the Judicial Body in the Guatemalan capital".

Child pregnancies violate girls' most basic rights

According to the Pan American Health Organization (PAHO), Guatemala has the second highest rate of births to girls under the age of 15. Between January and June of this year, 31,998 births have been registered to girls between the ages of 15 and 19, and 1,242 in girls between the ages of 10 and 14.¹⁰ According to Guatemalan law - Article 173 of the Penal Code - pregnancies in girls under 14 are automatically considered to be the result of rape.¹¹

⁶ Patzán, J.M., [OEA conoce informe de las elecciones de Guatemala y plantea recomendaciones al TSE](#), Prensa Libre, 10.08.2023.

⁷ Herrera, F. y EFE, [Masacre de Rancho Bejuco: condenan a militar retirado y absuelven a ocho exparamilitares por matanza de 1982](#), Prensa Libre, 24.08.2023 y Ríos, R, [Tribunal condena a excomandante Juan Ovalle por la masacre en Rancho Bejuco](#), Prensa Comunitaria, 24.08.2023.

⁸ Burt, J-M y Estrada, P. [El legado de Ríos Montt](#), El País, 27.04.2018.

⁹ Coronado, E.- Plaza Pública, [Por segunda vez una jueza sentencia que sí hubo genocidio en Guatemala](#), elfaro, 27.09.2018.

¹⁰ Nantel, M., [#SonNiñasNoMadres: Lucha contra los embarazos infantiles](#), La Cuerda, 7.08.2023.

¹¹ Vásquez, J., [35 mil embarazos en menores: un alto costo para madres-niñas y al país](#), La Hora, 22.07.2022.

The stories behind these figures are heartbreaking: they are girl survivors of sexual violence who have been forced to become mothers. The perpetrators are people close to them who have power and authority over them. In many cases they are girls who live in rural areas, in poverty, without access to education, information or sexual and reproductive health services, and the state does not provide them with the necessary protection.

The absence of sex education in schools, and the fact that the subject is taboo in many homes, makes the situation much worse. In addition to the trauma of rape, a resulting pregnancy compounds the damage, as early childbearing reduces girls' educational opportunities, perpetuating gender inequality and limiting their future employment prospects. In addition, early childbearing carries serious health risks for girls, sometimes resulting in death.

"Addressing child pregnancy is crucial to protecting girls' rights and providing them with dignity and quality of life. In 2019, the regional campaign #SonNiñasNoMadres (#TheyAreGirlsNotMothers) was created to raise awareness of the stories of young victims of unwanted pregnancies and ensuring a safe and free future for all girls, where they can make informed decisions. The campaign seeks to raise awareness about the need to end child pregnancy and the sexual violence that perpetuates it. #SonNiñasNoMadres urges society and policy makers to take concrete action to protect the rights and dignity of girls. It works for comprehensive sexuality education, access to reproductive health services and the strengthening of protection and justice systems to prevent and address gender-based violence.¹²

Criminalisation of renowned lawyer Claudia González

On 28 August, the MP raided the homes of Juan Francisco Sandoval, former head of the Special Prosecutor's Office against Impunity (FECI) and exiled in the United States, former prosecutor Eva Siomara Sosa, former deputy head of the FECI, and the lawyer Claudia González, former head of the now defunct CICIG. The latter became the subject of an arrest warrant issued against her by Judge Jimi Bremer, who has appeared on the US State Department's Engel list of people who support corruption in Guatemala.

The internationally recognized lawyer was taken to the Courthouse and presented before the Judge Bremer, who informed her of the reasons for her arrest, based on a complaint from 2021 for abuse of authority, filed by Supreme Court of Justice (CSJ) magistrate Blanca Stalling, also included on the Engel list. Stalling was prosecuted for alleged influence peddling in favour of her son, in a case brought by CICIG, but was released from legal action after the expulsion of this Commission in 2019.¹³

Due to the absence of the prosecutor in the investigation against the lawyer, the first statement hearing was rescheduled for 6 September and González will remain detained until then in the Mariscal Zavala prison by order of the judge. Claudia González is known for her legal defense of several former prosecutors and judicial officials criminalized since 2021 by Consuelo Porras' administration in the Attorney General's Office.¹⁴

This arrest has provoked multiple condemnations at the international level, such as that of the Secretary General of the United Nations, António Guterres, Luis Almagro, Secretary General of the OAS, the Inter-American Commission on Human Rights (IACHR) and various international organizations.

¹² Nantel, M., Op.Cit.

¹³ Pérez, R., [¿Quiénes son los funcionarios de justicia que están detrás de la detención de la abogada González?](#), Prensa Comunitaria, 30.08.2023.

¹⁴ Redacción, [Bremer solo quiso notificar a González para dejarla más tiempo en carceleta](#), La Hora, 28.08.2023.

2. ACCOMPANIMENTS¹⁵

*PBI accompanies social organizations and individuals who have received threats for their work in the defence and promotion of human rights. In this context we are accompanying social processes in the fight against impunity, land inequality and defense of territory.*¹⁶

THE FIGHT AGAINST IMPUNITY

This month we met with the coordination of the **Human Rights Law Firm (BDH)** to get an in-depth update on their work and follow up on their security situation. We also accompanied them to the following hearings:



- Two continuation hearings for the public debate in the Dos Erres Case. In one of them, a survivor of the massacre gave his testimony via videoconference from the Guatemalan consulate in Montreal, Canada. In addition, some evidence was accepted and some was rejected by the public defense lawyer for the defendant. In the other hearing, the presentation of documentary evidence by the Public Prosecutor's Office continued.
- A continuation hearing for the debate in the Semuc Champey case, in which seven people are criminalized for the crime of trespassing in protected areas. Various documentary evidence

was presented by the accused. The case is in its final phase, so that in the following hearings the arguments of the parties will be heard and the sentence will be handed down. The next hearing is scheduled for 7 September.

As part of our accompaniment of the family of Luz Leticia, we accompanied various hearings in the **#CasoLuzLeticia and Others**. After the end of the intermediate stage in which the defendant was brought to trial, the two hearings to present evidence were suspended due to the absence of the defendant Cifuentes Cano. The August 29 hearing went ahead as scheduled with the presentation of an advanced testimony by the mother of the children abducted during the operation that led to the disappearance of Luz Leticia Hernández Agustín and Ana María López. The next hearing is scheduled for September 11.

We met with Manuel Farfan, director of the **Association of Relatives of the Detained and Disappeared of Guatemala (FAMDEGUA)** to get an in-depth update on his work with relatives of the disappeared. In addition to being a plaintiff in the Diario Militar case, FAMDEGUA represents relatives of the victims of the massacres of Dos Erres and Josefinos, Péten, both perpetrated in 1982 during the dictatorship of General Efraín Ríos Montt.

THE ISSUE OF ACCESS TO LAND

With regard to our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces**, we maintained telephone contact and met their coordinator Lesbia Artola on several occasions during August. We accompanied José Gualna Ché, from the Río Cristalino community, to the intermediate stage hearing in the Second Criminal Court of Cobán. The judge has determined that he will be tried for the alleged crime of aggravated trespassing. The Diesel-



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

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

dorff family alleges that the community is on their estates Dolores and Delicias. In addition, we visited the six CCDA community members deprived of their liberty in the Cobán Penitentiary Centre and accompanied CCDA families who have been forcibly displaced as a result of the recent evictions to a medical care appointment.

As part of our accompaniment of the **Verapaz Union of Campesino Organisations (UVOC)**, we continued our regular meetings with its general coordinator, Carlos Morales, to monitor 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 various members of the **Peaceful Resistance, Cahabón** from the communities of Sactá and Tres Cruces, in the municipality of Cahabón, Alta Verapaz, to follow up on the land and territory issues faced by the indigenous communities in the area, where evictions are part of their daily reality.

We also met with Abelino Mejía, member of the **Community Council of Retalhuleu (CCR)** to update us on the problems in the region. On August 2 we followed up on a judicial eviction in the San Pablo farm, Caballo Blanco Village, Champerico municipality, Retalhuleu. We expressed our concern that the state institutions overseeing the eviction have not provided alternative housing. Nor was sufficient time given for the 150 families to collect their belongings, creating a humanitarian crisis. Furthermore, we were informed that the families

did not received notification before the eviction. For all these reasons, the measures and protocols established within the international standards of the Special Rapporteur on Housing were not complied with, which violates the human rights of the people of this community. On the other hand, the water situation on the South Coast continues to be of great concern: the community of 20 October, located in the municipality of Champerico, was without access to drinking water for more than 20 days.

As part of our accompaniment of the **Peaceful Resistance, La Puya**, we met with some of its members to discuss the situation of the Resistance in depth and we attended the mass they held at their encampment, as we do every month.

With regard to our accompaniment of **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, we met with them in person and 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.

In our dialogue with the diplomatic corps and international organizations present in Guatemala, this month we met with Luis Felipe Artal, **Chilean Ambassador to Guatemala**.

With regard to our dialogue with Guatemalan authorities, this month we met with:

- Jaqueline Valenzuela, from the Office for the **Defense of Human Rights Defenders and Journalists of the Human Rights Ombudsman's Office (PDH)**.
- Carlos Alberto Guillermo Artola, Departmental Assistant of the **PDH in Alta Verapaz**.
- Sergio Pineda, Assistant of the Presidential **Commission for Peace and Human Rights (COPADEH) of Alta Verapaz**.

- Feliciano Cruz Vázquez, Departmental Commissioner and Elías Xañ, officer, both from the **National Civil Police (PNC) substation in Santa María de Cahabón, Alta Verapaz.**
- Liliana Caal, Head of the Municipal Directorate for Women, Gender, Family, Children and Adolescents of the **Municipality of Cobán, Alta Verapaz.**

4. OBSERVACIÓN INTERNACIONAL

PBI Guatemala proporciona observación internacional en aquellos eventos públicos en que las organizaciones sociales guatemaltecas lo requieren, para mostrar la atención y el interés internacional y para poder comunicar fuera del país aquello que observamos.

On August 30 we observed the **continuation of the oral and public hearing** in the Criminal Sentencing Court of Chiquimula, in which **Maya Kaqchikel community journalist Norma Sancir** is demanding justice for her arbitrary detention in 2014. An expert witness for the prosecution was scheduled to testify at this hearing, but one of the defendants was absent due to health problems, so the hearing was suspended. It will resume on 13 September at 9am.



5. OTHER ACTIVITIES OF PBI GUATEMALA

On 14 and 15 August we held a **healing encounter in Cobán**, facilitated by the Network of Ancestral Healers, in which women defenders from UVOC, CCDA and communities in the region participated.

6. 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 this month met with:

- Raphael Warolin, Human Rights Unit of the **European External Action Service (EEAS)** responsible for Central America and Human Rights Defenders.
- Corinna Radu and Sebastien Porter, Project Managers at the Directorate for **Cooperation of the European Commission INTPA.**
- Karolien Kras, desk Guatemala, Vincent Ringenberg, Technical Chief of the **Electoral Observation Mission** to Guatemala, and Breda Lee, Political Advisor to the EU Special Representative for Human Rights **of the European Union.**
- Tomás Reyes Ortego, Chair of the **Latin America and Caribbean Working Group (COLAC) of the Council of the European Union.**

7. NON-GOVERNMENTAL ORGANISATIONS

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



B'OQ'OL Q'ESAL TENAM NAAB'A', TX'AUL Y K'USAL
ALCALDIAS INDIGENAS DE LA REGIÓN IXIL, EL QUICHÉ



LOS B'OQ'OL Q'ESAL TENAM TX'AUL, K'USAL, NAAB'A'

MANIFESTAMOS

1. Nuestro saludo y congratulación al pueblo de Guatemala, que el día 20 de agosto del año 2023, acudió a los Centros de Votación, en un ambiente de entusiasmo y esperanza para elegir a las autoridades que van a gobernar el país a partir del 14 de enero del año 2024.
2. Comprendemos la complejidad en que actualmente se encuentra la institucionalidad del Estado de Guatemala, cooptado en las últimas décadas por gobernantes corruptos, aliados o integrantes del crimen organizado o, cuerpos ilegales y violadores de derechos humanos, tanto durante el conflicto armado como en la actualidad.
3. Creemos que los esfuerzos de los gobernantes electos, especialmente presidente y vicepresidenta, tendrán una tarea ardua y que rodearse de las personas más capaces e idóneas para cumplir su función y que no deben olvidarse que el pueblo de Guatemala depositó en sus manos su confianza, esperanza y el sueño por un mejor país; razón por la cual, les pedimos que cumplan con los ofrecimientos que hicieron al pueblo de Guatemala para recibir el respaldo que se les ha dado.
4. También nos dirigimos al pueblo de Guatemala, para invitarlo a unirse con un solo objetivo, buscar el bien común y el desarrollo sostenible y sustentable, y no dejar solo a nuestros gobernantes electos y aportar sus mejores esfuerzos para juntos iniciemos una nueva historia en donde hombres y mujeres, indígenas y ladinos y toda la población se comprometa en la construcción de un mejor país para heredarlo a nuestros descendientes.
5. Al partido perdedor y al pacto de corruptos, les exigimos aceptar que el pueblo de Guatemala se ha pronunciado con relación a los gobernantes, manifestado que los quiere lejos de la administración del Estado y que no continúen interfiriendo el proceso democrático que está por iniciarse en Guatemala.
6. A los ganadores de la elección deseamos que el universo, el Corazón del Cielo y de la Tierra; y, nuestros abuelos les guíen y tengan la capacidad de ver, escuchar, atender y servir al pueblo de Guatemala, que les está respaldando con su confianza; así mismo, que los ofrecimientos realizados durante la campaña los concreten en compañía del pueblo y que no repitan lo que los políticos tradicionales han practicado durante siglos en el país.
7. ***“...y hablaron entre sí Tepeu y Gucumatz. Hablaron, pues, consultando entre sí y meditando; se pusieron de acuerdo, juntaron sus palabras y su pensamiento...”***
Que estas palabras de nuestros antepasados, puedan servir para orientar al presidente y vicepresidenta electos.

Territorio Ixil, agosto 21 del año 2023.

PBI team in Guatemala: Fransk Martínez (Nicaragua), Inés Gesa (Spain), Gerard Paituvi Sanchez (Spain), Lorna Ní Shúilleabháin (Ireland).

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**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

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