



Monthly Information Package Guatemala

Number 242 - November 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.

National strike in defense of democracy continues

The National Strike for democracy, led by Indigenous Authorities across different territories of the country, reached its 50th day on 20 November. The peaceful protest continues in front of the headquarters of the Public Prosecutor's Office (MP) in Guatemala City, with protestors demanding the resignation of the Attorney General, Consuelo Porras, and the head of the Attorney General's Office against Impunity (FECI), Rafael Curruchiche, among others. The indigenous authorities have announced that the protest will continue until the elected presidential candidates take office in January 2024. They have warned that if their demands are not heard, they will make a national protest call, as happened last month.¹

In addition to maintaining the sit-in in front of the Public Prosecutor's Office, another sit-in was set up in front of the Congress of the Republic on 21 November. Different representatives from the Indigenous Authorities were present that day to present a document of demands to the Board of Directors of the Congress. However, the National Civil Police (PNC) prevented them from passing, so they decided to stay and set up a second sit-in until they were received. They have remained there since then, despite the fact that on the PNC has threatened to evict them on diverse occasions. Among the demands contained in the document are the safeguarding of democracy by respecting the inauguration of the presidential binomial elected by the people, as well as the approval of a budget that covers the needs of the population.²

The MP has continued to carry out actions aimed at preventing the inauguration of Bernardo Arévalo and Karin Herrera of the Semilla Movement. The prosecution of Arévalo, Herrera and other members of the Semilla party, as well as students and professors of this university, has begun through a case known as the USAC (Universidad de San Carlos de Guatemala) takeover. They are accused of the crimes of destruction of cultural property, illicit association and peddling influences. The MP has issued numerous arrest warrants and some of the individuals have already been arrested. This case relates to the peaceful protests that took place in 2022 over the highly contested election of Rector Mazariegos. Another person targeted by the MP is the former human rights prosecutor, Jordán Rodas. One of the aims of this case is to strip Arévalo and Herrera of their immunity in order to bring them to trial. These actions have been strongly criticized by both the Organization of American States (OAS)³ and the United Nations (UN).⁴ The context in which all this is taking place is one of permanent attacks on human rights defenders (HRDs) and journalists. The Inter-American Press Association has pointed out that journalists in Guatemala are suffering political persecution by the same actors who are trying to bring the electoral process to court. In their view, freedom of the press has been damaged and they pointed to a climate of information restriction.⁵

It is important to remember that at the end of October a Xinka leader who was part of the organization of peaceful protests in favour of democracy was murdered in the department of Jutiapa. The Xinka Parliament

¹ Gamarro, U. y Álvarez, L., [Autoridades indígenas cumplen 50 días de protestas y desafían a la Fiscalía a continuar por tiempo indefinido si siguen las investigaciones electorales](#), Prensa Libre, 20.11.2023.

² Rodríguez, S., [Se cumple tercer día de resistencia frente al Congreso sin respuestas](#), Prensa Comunitaria, 23.11.2023.

³ Pérez Marroquín, C., [OEA condena acciones contra Bernardo Arévalo y Karin Herrera y dice que el MP viola la Carta Democrática](#), Prensa Libre, 16.11.2023.

⁴ EFE, [Secretario general de la ONU se muestra "alarmado" por acciones del MP contra Bernardo Arévalo y Karin Herrera](#), Prensa Libre, 17.11.2023.

⁵ EFE, [Informe de la SIP señala que la prensa de Guatemala es perseguida por quienes judicializan el proceso electoral](#), Prensa Libre, 9.11.2023.

expressed its rejection of this despicable act and denounced the violence experienced by human rights defenders for carrying out their important work.⁶

Lawyer Claudia González is released from prison but remains on trial

After 81 days in pre-trial detention, the lawyer and former head of the International Commission Against Impunity (CICIG), Claudia González, was released from prison under alternative measures, which means that she remains under indictment for the criminal proceedings against her.⁷ Among the measures granted to González are house arrest without surveillance, the obligation to report to the Tenth Pluripersonal Court of First Criminal Instance, Drug Trafficking and Crimes against the Environment every 15 days and the prohibition to leave the country without authorisation from the Court.⁸

The renowned lawyer has been accused by Blanca Stalling, a magistrate of the Supreme Court of Justice (CSJ), of the crime of abuse of authority for having allegedly ordered anomalous procedures against her in 2017, when Stalling was indicted in a case of peddling influence. González's defense lawyers argue that this offence should only be attributed to public officials or employees, and at the time of the investigation González did not have that status. Claudia González joins the thirty or so former justice operators who claim to be victims of a political persecution considered to be acts of revenge by those who were linked to the investigations conducted by FECCI and CICIG.⁹

On 8 November, the Inter-American Commission on Human Rights (IACHR) heard from former justice operators who are in exile and a delegation from the State of Guatemala on the criminalization of political opponents, human rights defenders, journalists and justice officials. Judge Blanca Stalling, who was included in the Engel List of corrupt and anti-democratic actors in 2021, represented the State. During this session, the people representing the State of Guatemala resisted dialogue on the issue of criminalization and tried to minimize the accusations in this regard. They accused the complainants of failing to use verifiable arguments, they defended the actions of the MP and President Alejandro Giammattei and pointed out that "the people who had left the country had done so voluntarily and that it was not the responsibility of the state."¹⁰

Dos Erres Case: acquittal for those accused of crimes against humanity

On 7 November, the High Risk Court E, composed of presiding judge Abelina Cruz Toscano, member judge I Edy Otoniel de León and member judge II Alida Mariluz Valenzuela Woltke, acquitted the three Kaibiles accused of murder and crimes against humanity: Gilberto Jordán, Alfonso Bulux Vicente and José Mardoqueo Ortiz Morales. After the reading of the judgement, the Court decided that the defendants should regain their freedom.¹¹

The Human Rights Prosecutor's Office of the MP accused them of being part of the elite Kaibil patrol that 1982 murdered 200 people, including children, on 7 and 8 December at the Las Dos Erres community, located in La Libertad, Petén, on the pretext that the village was sympathetic to the guerrillas. According to the evidence, they also raped girls, adolescents and women.¹²

This is the fourth trial against members of the elite Kaibil army patrol that perpetrated the massacre in December 1982. Previous trials led to convictions against six defendants. In the current debate, the court

⁶ Prensa Comunitaria, [Asesinan a dirigente Xinka y defensor de derechos humanos](#), 29.10.2023.

⁷ Ruda, [Claudia Gonzalez recuperó su libertad](#), 17.11.23.

⁸ España, D., [Abogada Claudia González recupera su libertad a dos meses y medio de captura](#), La Hora, 17.11.23.

⁹ EFE y Vega, JM., [Exmandataria de CICIG, Claudia González, saldrá de la cárcel y quedará con arresto domiciliario](#), Prensa Libre, 10.11.23.

¹⁰ Ríos, R., [CIDH: Estado de Guatemala se resiste al diálogo sobre criminalización a exoperadores de justicia](#), Prensa Comunitaria, 09.11.23.

¹¹ Blanco, E., [Caso Dos Erres: Tribunal cuestiona acusación de MP y deja en libertad a tres exmilitares](#), La Hora, 08.11.23.

¹² Pérez, R., [La justicia le da la espalda a víctimas de masacre Las Dos Erres](#), Prensa Comunitaria, 08.11.23.

disqualified several of the expert witnesses and focused on technicalities and formalities to absolve the three accused. Survivors of the massacre have appealed the sentence.¹³

It is worth recalling that the 2009 judgment of the Inter-American Court of Human Rights in the case of *Dos Erres v. State of Guatemala*, states in article 235 that "in order to ensure effective access to justice for victims, judges, as the governing body of the process, must direct and guide the judicial procedure so as not to sacrifice justice and due legal process in favor of formalism and impunity."¹⁴

25 November: Guatemalan women denounce the constant violence, discrimination and corruption that impacts their lives

For yet another year, hundreds of Guatemalan women took to the streets on 25 November, the International Day for the Elimination of Violence against Women. The march held in the capital left the CSJ and travelled through the main streets of the city to demand justice for the thousands of women victims of this violence and freedom for those who are suffering political persecution. Juana Sales, leader of the Tz'ununija Indigenous Women's Movement, called attention to the current situation, pointing out that "we take to the streets to denounce all the atrocities we are experiencing in Guatemala, but this year we strongly highlight political and structural violence."¹⁵ The demonstrators condemned "the growing judicialization and criminalization of journalists, students and ex-officials who have denounced corruption" and denounced the situation of many women, especially women defenders of land and territory, as well as those who defend freedom of expression and fight against gender-based violence. The demonstrations were joined by La Red Nacional de Personas Trans de Guatemala, which "reaffirmed its commitment to the struggle for the eradication of violence against women, supporting democracy and advocating for the inclusion of all trans women as full citizens."¹⁶

The rates of violence against women in Guatemala so far this year are chilling: 15,000 reported physical violence, 269 sexual violence, 20,000 psychological violence, 1,000 economic violence and 130 were victims of femicide.¹⁷

Storm Pilar wreaks havoc in Alta Verapaz

The uninterrupted rains that took place between the 1st and 10th of November, with the entrance of storm Pilar, have strongly affected road networks, houses and crops in different regions of the country. The National Coordinator for Disaster Reduction (CONRED) reported that "the rains have left 23,690 people affected and more than 4 million affected throughout Guatemala."¹⁸

Alta Verapaz has been one of the departments most affected by the overflowing of the Cahabón, Polochic, Cangüinic/Icboley, Chixoy and Uchte' rivers, which flooded and collapsed roads, destroyed houses and left thousands of families affected. This affected municipalities such as Cobán and communities such as San Lorenzo II, Nimlajacoc, Chajmacan and Balbatzul II. The regions of Nimlajacoc, Samox, Salacuim and Sacoyou and the villages of Puente Viejo, Santa Catalina Matanzas and La Tinta were also cut off.¹⁹ "The community of Santa Marta Salinas, in Cobán, located on the banks of the Chixoy river, is vulnerable due to its geographical and topographical position to the rains and flooding caused by the river", and has already suffered damage in 2020, with the storms Eta and Iota. "According to Amilcar Chub, COCODE of the locality, the affected families spent the night in the community halls of neighboring villages. He assures that so far they have not received any support from the government, which has repaired the road. "Our municipal and government authorities have never come to see how we are doing, " said one of the affected people. "We are Guatemalan citizens, but today we are without a government," added another victim.²⁰

¹³ Pérez, R., [Apelan sentencia de Tribunal que dejó libres a tres exkaibiles en caso Dos Erres](#), *Prensa Comunitaria*, 28.11.23.

¹⁴ CIDH. [Corte Interamericana de Derechos Humanos. Caso de la masacre de las Dos Erres vs. Guatemala. Sentencia de 24 de noviembre de 2009](#). 24.11.09.

¹⁵ Najarro, F. y EFE, [Violencia contra la mujer: más de 37 mil mujeres han sido víctimas en Guatemala durante 2023](#), *Prensa Libre*, 25.11.23.

¹⁶ Ross, I., [MUJERES CLAMAN POR JUSTICIA EN MEDIO DE LA CORRUPCIÓN Y LA VIOLENCIA](#), *Ruda*, 27.11.23.

¹⁷ Najarro, F. y EFE, *Op. Cit.*

¹⁸ EFE, [Al menos 65 personas murieron durante la temporada de lluvias en Guatemala en 2023](#), *Diario Libre*, 12.11.23.

¹⁹ Oxom, E., [Las lluvias dejan incomunicadas a varias comunidades en Alta Verapaz](#), *Prensa Comunitaria*, 08.11.23.

²⁰ Oxom, E., [Tres comunidades afrontan en soledad los embates de la lluvia](#), *Prensa Comunitaria*, 20.11.23.

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:

- Sofía Case in the Cobán court, where the Public Prosecutor's Office was to present four witnesses who in the end did not show up, so they proceeded with the reading of materials accepted as evidence. Sofía is a community leader from Purulhá who has been criminalized for years for her work in defense of her territory.
- Mercedes Case: the last two people accused in a process for a land conflict with a palm tree company that began in 2018 were acquitted.

As part of our accompaniment of **FAMDEGUA** and the BDH, we attended the sentencing in the Dos Erres case (see section 1 "Context"). We also held a meeting with FAMDEGUA to update us on their work and to follow up on the accompaniment we provide.

We accompanied the family of **#LuzLeticia** to the hearing for the first statements in the Melgar Díaz case. This case denounces the kidnapping of three women and nine children during the operation that led to the detention-disappearance of Luz Leticia and others in 1982. The hearing was postponed until 22 December at the request of the defendant's, Juan Francisco Cifuentes Cano, lawyer, who protested alleged defective procedural activity, due to the failure to notify the defendant at his home address. The prosecution considers this action a dilatory act. It should be noted that this is the second time that this hearing has been rescheduled.



THE ISSUE OF ACCESS TO LAND

With regard to our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces**, this month we maintained telephone contact to follow up on the security situation of the organization and the people and communities who are members of the organization. The criminalization of defenders involved with CCDA continues to increase.

As part of our accompaniment of the **Union of Peasant Organizations Las Verapaces (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 struggle for access to land.

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>

DEFENSE OF THE TERRITORY

This month we accompanied the **Council of Communities of Retalhuleu (CCR)** in their activities relating to the water campaign, in which the National Network for the Defense of Food Sovereignty in Guatemala (REDSAG) also participated. We toured several communities in the region and collected testimonies about the negative impacts caused by sugar cane monoculture, one of the most pressing of which is the lack of water, as well as the criminalization of those who dare to denounce this situation. We accompanied visits to the Pijuy Sector, the Association of Peasant Farmers La Bendición, the village of El Rosario, the community of Conacaste, the community 15 de febrero, the multicultural community La Gomera, Cuchupán, Santa Inés and the community Conrado de la Cruz. All these places are deeply affected by the cultivation of this monoculture, particularly suffering from drought, water pollution and the loss of family and community crops due to the use of toxic agro-chemicals by the sugar mills. We also held a meeting with Abelino Mejía, a member of the organization.



We accompanied the **Maya Ch'orti' Indigenous Council of Olopa** to the presentation of the report "*Sindemia in Ch'orti' territory. Perceptions of the Ch'orti' communities on the environmental risks and public health impacts of the Cantera Los Manantiales mining project*", produced by the Observatory of Extractive Industries. We also held a meeting with the Council where we were informed of several security incidents.

We met with members of the **Peaceful Resistance, Cahabón** to follow up on the land and territory issues faced by the indigenous communities in the area. The families of the Resistance have been strongly affected by the intense rains caused by the storm Pilar.

We met with some members of **TZK'AT - Network of Ancestral Healers of Community Feminism from Iximulew**, and carried out various monitoring tasks in the framework of their multiple activities.

We visited the **Peaceful Resistance, La Puya** camp and held a meeting with several of its members.

We also visited the **Multisector Chinautla** at the encampment located at km 12 of the Chinautla highway, and met with various members of the community.

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 organisations present in Guatemala, this month we met with:

- Thomas Wuelfing, Ministerial Counsellor from **the German Embassy**.
- Isabel MacDonald, Human Rights Officer at the **British Embassy**.
- Misha McDonald, and Jose Pablo Rivera, from the Economic and Political Section of the **US Embassy**.
- Roberta de Beltranena, Programme Officer at the **Swiss Embassy**.
- José González and Sara Lodi from the Office of the **United Nations High Commissioner for Human Rights (OHCHR)**.

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

- Carlos Guillermo Artola, Departmental Assistant of the **Human Rights Ombudsman's Office (PDH) in Alta Verapaz.**
- Sergio Pineda, Departmental Assistant of the **Presidential Commission for Peace and Human Rights (COPADEH) in Alta Verapaz.**
- Liliانا Caal, Director of the Women's Department and her colleague in charge of the Management of External Cooperation of **the Municipality of Cobán, Alta Verapaz.**
- *We presented ourselves to the **National Civil Police (PNC) of the municipality of San José del Golfo** in the department of Guatemala.*

4. ACTIVITIES OF PBI GUATEMALA OUTSIDE GUATEMALA

Outside the country we constantly develop and strengthen the network of support for the Guatemalan PBI project, as this is one of the essential tools necessary to protect defenders of human rights. Regional Representatives, the Project Office Coordinator and other members of the committee and the Project Office and national groups of PBI, conduct public relations campaigns with many NGOs, agencies and national governments, parliamentarians and others. In this context we develop actions and public relations campaigns, and / or advocacy aimed at protecting defenders of human rights.

The European Representative of the project this month travelled to Geneva and met with:

- **UN Special Rapporteur on the Rights of Indigenous Peoples**, Francisco Cali and his assistant, Francisco Alonzo.
- Branka Bell, Director of the Human Rights Unit, **Permanent Mission of the United States to the United Nations.**
- Solange Dufourcq del Canto, Deputy Secretary, **Permanent Mission of Chile to the United Nations.**
- Mika Kanervavuori, Director of the **Office of the High Commissioner for Human Rights in Guatemala**; Isabelle Heyer Frigo, Guatemala desk from the High Commissioner for Human Rights.
- Julia Fernández Puertas, Advisor, Human Rights Unit, **Permanent Mission of Spain to the United Nations.**
- Mariya Stoyanova, Human Rights Officer, Gunnar Theissen, Human Rights Officer and Francisca Orrego Galarce from the Office of the **UN Special Rapporteur on the Right to Adequate Housing.**

5. NON-GOVERNMENTAL ORGANISATIONS

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



A LA OPIONION PUBLICA.

Begitiwa luagu sun aüdü Garífuna lidan waweyuri, lumagie Wadimalu, Balisi, Huliligati darí lumón Nigarawa. (Elevamos una oración por toda la nación Garífuna en su día, desde Guatemala, Belize, Honduras hasta Nicaragua)

Los procesos de resistencia étnica han hecho posible la conservación identitaria que debe seguir fortaleciendo nuestra conciencia colectiva, lo cual nos auxilia a surcar retos sociales, climáticos, raciales, la exclusión sistemática y otros flagelos que afecta nuestras vidas. La realidad Garífuna sigue estando afectada por la intervención de gobiernos, que lejos de aportar al desarrollo humano, han sido artífices de la violación sistemática de diversos derechos individuales y colectivos de nuestro pueblo.

Como consecuencia de la desigualdad histórica, compartimos con los Pueblos Maya y Xinka (en el caso de Guatemala) el resistir al hecho de ser considerados como seres humanos de tercera categoría, esto mismo promovido por grupos de influencia económica para hacer más fácil su incursión a nuestros territorios e instalar actividades “productivas” que tienen como consecuencia la depredación de recursos naturales, contaminación, extinción de especies y el impacto negativo del cambio climático.

Estos mimos grupos de poder son los que dan las condiciones para que se den acontecimientos políticos en nuestros países, los cuales no favorecen a los Pueblos, en especial al Garífuna; aunque algunos de estos se presenten como progresistas, siguen la misma ruta de exclusión, por lo que no hay algún avance a nuestro favor que pueda calificarse de significativo o positivo; prueba de ello es que persisten los problemas de pobreza, así como la falta de oportunidades.

En diferentes espacios nos hemos pronunciado a favor de la implementación coordinada de acciones institucionales que le permitan a las y los garífunas ejercer su derecho de decisión para poder progresar hacia objetivos de desarrollo.

Rechazamos las cínicas y viejas prácticas antidemocráticas, discriminatorias, racistas y excluyentes que se resisten a la consolidación democrática.

Demandamos a los Estados con presencia Garífuna en especial al de Guatemala (que tendrá una transición de gobierno) se apeguen al cumplimiento de compromisos adquiridos en espacios internacionales en materia de Desarrollo y Derechos Humanos, la No Discriminación y lucha contra el Racismo a favor del Pueblo Garífuna.

**26 de Noviembre Dia Nacional del Garífuna
Guatemala Centroamérica**

The team of volunteers in PBI Guatemala is currently composed of people from Nicaragua, Ireland and Spain.

All photos published are from PBI

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**GUATEMALA PROJECT
PEACE BRIGADES INTERNATIONAL**

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