



Monthly Information Package Guatemala

Number 247 - April 2024

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.

IACHR Report: Guatemala fails to comply with its obligation to combat impunity

The Inter-American Commission on Human Rights (IACHR) once again included Guatemala in its annual report, citing, in Chapter IV B, the “systematic failure of the State to comply with its obligation to combat impunity which is attributable to a manifest lack of political will.” Guatemala has been mentioned in this section, alongside Venezuela and Nicaragua, for the previous two years in relation to the deterioration of the rule of law under previous governments. “The IACHR highlighted how, in 2023, the abusive exercise of power for political-electoral purposes was evidenced during the general elections by a series of interferences from the MP, which received serious criticism both nationally and internationally, and which called into question the results of the electoral process, undermining the rule of law [and] placing the constitutional order and the independence of powers at risk.” “These actions have not only placed the country in a political social and human rights crisis, but have put democratic stability at risk and undermined the principle of the separation of powers.”¹

Also according to the Rule of Law Index (RLI) that evaluates 142 countries based on eight factors, published by the World Justice Project (WJP), Guatemala has one of the slowest civil justice services in the world, ranking 111th. “Guatemala is among the countries where there is a perception that people cannot access nor afford civil justice (140th out of 142); that civil justice is subject to unwarranted delays (141/142); and that civil justice is not effectively enforced (139/142).”²

Trial begins against Manuel Benedicto Lucas García for genocide of the Ixil people

After 42 years of waiting, the public trial against the former Army Chief of Staff, Manuel Benedicto Lucas García, began on April 5, within the framework of the second trial for the Genocide of the Ixil people. The defendant held this position between August 16, 1981 and March 23, 1982, a period during which the attacks against the Mayan Ixil population in the north of Quiché, particularly the municipalities of Nebaj, Cotzal and Chajul, intensified.³

The Public Prosecutor's Office (MP), together with the Association for Justice and Reconciliation (AJR), the adhesive plaintiff, have accused García of “being the intellectual author responsible for the death of 844 people who have been identified by witnesses and experts. The crimes also include 71 individual victims of homicide, 12 communities displaced by the army, the looting and destruction of 18 communities, 16 victims of sexual violence and 42 victims of forced disappearance.” The MP has collected “the testimony of 152 witnesses who will attend the hearing and will narrate how they lived through the massacres in their communities and were displaced in the mountains. The army burned their houses and crops, seeking the death of the survivors.” They will also hear from 81 experts who will give an account of the massacres, murders, disappearances, rapes, burning of homes and crops, destruction of work tools and aerial bombardments.⁴

¹ Pérez, R., [CIDH: acciones del Ministerio Público en elecciones evidencian ejercicio abusivo del poder](#), Prensa Comunitaria, 25.04.2024.

² Santiago, X., [Guatemala tiene uno de los sistemas de justicia más lentos del mundo](#), Prensa Libre, 25.04.2024.

³ Pérez, R., [Se inicia juicio por genocidio Ixil contra Benedicto Lucas García](#), Prensa Comunitaria, 05.04.2024.

⁴ *Ibidem* y García, O., Vargas, E. y EFE, [Inicia juicio contra Benedicto Lucas García señalado en masacre ixil](#), Prensa Libre, 05.04.2024.

The trial began with the presentation of forensic reports based on the remains of the people found in clandestine graves who were murdered, burned and riddled with bullets in different communities. The following hearings included testimonies from the survivors of these atrocities. On the fifth day of the trial, April 11, an anthropological expert testified about the massacre of 41 people in Pexla Village (Nebaj), which occurred on January 19 and 20, 1982, as a result of a military operation planned and executed by the Guatemalan Army. On April 19, the ninth day of the trial, experts presented anthropological reports based on the analysis of the remains of people from different communities of the Ixil region that determined the cause of the deaths. These included injuries caused by firearm projectiles, burns and poisoning (from consuming wild herbs, due to the lack of access to food for the displaced people).⁵

The victims of sexual violence at the hands of members of the army testified during the third week of hearings. Some of the survivors were girls and women who had just given birth at the time of massacres. Representatives of several women's organizations and organizations representing survivors of the Internal Armed Conflict (IAC) accompanied the women who testified, whose identities were protected at these hearings.⁶

Cerro Blanco mining: a major threat to eastern Guatemala and other neighboring countries

On April 19, activists from Guatemala, El Salvador and Honduras held a protest at Lake Güija against a Canadian mining company, Bluestone Resources, who intend to convert Cerro Blanco into an open-pit mine, which represents a major threat to the population and natural assets of these three countries.⁷

The Cerro Blanco mine is located in the municipality of Asunción Mita, in the department of Jutiapa, 15 kilometers from the border with El Salvador. The company has held a permit for gold and silver extraction since 2007, but the results have not met the project's expectations. The Canadian company Goldcorp declared bankruptcy in 2016 and sold the mine to another Canadian company, Bluestone Resources, in 2017. The latter opted to change to open-pit mining.⁸ This method consists of extracting minerals directly from the surface, which would pollute waters shared with these neighboring countries, by acid drainage and metal leaching (separation of solid substances through pulverization).⁹

To win support for this new extraction method, the company tried to buy the consent of the neighboring communities by offering roads, painted schools, jobs and scholarships, which generated concern among the inhabitants, who organized a municipal consultation. They were asked whether they agreed or disagreed with the mining operation in the territory. The result was clear: 7,481 votes against and 904 in favor of the mine. The government of the time did not accept the results of the consultation and the environmental license was issued on January 9, 2024 allowing the company to operate the open-pit mine five days before the end of the term of office of the former president, Alejandro Giammattei.¹⁰

The current position of the Ministry of Environment and Natural Resources is annul the updated environmental evaluation and by extension the license for this project. In addition, anomalies were reported in the approval process, such as forged signatures and seals and extracted folios, among others. The recently appointed Minister for the Environment, Patricia Orantes, declared that "We are going to work in these days to declare a moratorium on new licenses for reconnaissance, exploration and exploitation of subway and open pit metallic mining."¹¹

⁵ FGER, [Juicio por Genocidio Ixil contra Benedicto Lucas García](#), 05.04.2024.

⁶ *Ibidem*.

⁷ AFP, ['No to mining': activists demand closure of Guatemala gold mine](#), France24, 20.04.2024.

⁸ Prensa Latina, [Evalúan en Guatemala anular operaciones de criticado proyecto minero](#), Prensa Latina, 19.04.2024.

⁹ Albani, P., [Giammattei reactivó la mina Cerro Blanco, pero Arévalo auditará los permisos ambientales](#), Prensa Comunitaria, 24.01.2024.

¹⁰ *Ibidem*.

¹¹ Cuevas, D. y Montenegro, H., [Firmas y sellos falsos figuran en la aprobación de licencia ambiental de Cerro Blanco, señala ministra](#), Prensa Libre, 24.04.2024; AFP, [Guatemala busca anular concesión de mina que afecta Lago de Güija y río Lempa](#), El Mundo, 19.04.2024.

Search Mechanism for Missing Migrants faces significant challenges

The Search Mechanism for Missing Migrants, inaugurated by the Guatemalan Migration Institute (IGM) on December 13, 2023, began operating this April. The institution attending at least 24 cases related to reports of disappearances of Guatemalan migrants in their journey through Mexico and the United States during its first days of operation.¹² There are at least 600 known active cases of disappearances along migratory routes, which had been under the jurisdiction of the Ministry of Foreign Affairs until now. However, the data maintained by the Ministry is insufficient, there are a lack of effective public policies, people are discriminated against when it comes to reporting disappearances, and there are no awareness campaigns to indicate how to begin searching. All this contributes to the fact that more and more missing persons are never found, and that civil society organizations are the ones who end up taking on these tasks.¹³

There is also another new mechanism: the National System for Missing and Unidentified Persons (NamUS). This U.S. database includes reports of missing persons in the country, persons found dead who have not been identified, and those who have been identified but not yet claimed by their families. The database is free and available to public, but almost no one knows of its existence, so very few people in Guatemala use it. "Not even the Ministry of Foreign Affairs of that country [U.S.A.] tells those who come to their office to report a missing relative that they can search there."¹⁴

The Foundation for Justice believes that international cooperation between States is indispensable for the search, identification and documentation of cases of missing migrants. Currently there are problems of coordination between countries regarding the documentation of cases, which in turn leads to a lack of mechanisms for the search and forensic identification.¹⁵

2. ACCOMPANIMENTS¹⁶

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.¹⁷

THE FIGHT AGAINST IMPUNITY

This month we accompanied the **Human Rights Law Firm (BDH)** to one of the hearings in the "Hogar Seguro" case against eight of the defendants accused for the death of 41 girls and the serious injuries caused to 15 others, in the fire at the Virgen de la Asunción state home, which occurred on March 8, 2017. Medical and psychological expert opinions relating three adolescent survivors were presented during this hearing.

We also accompanied the **Association for the Families of the Detained and Disappeared (FAMDEGUA)** to the following hearings and activities:

- Three hearings in the "Diario Militar" case. The first hearing was meant to resolve the motion from the First Chamber to repeat the intermediate stage of the trial against Jacobo Salán Sánchez. This hearing, however, was suspended. The second hearing related to the injunction for the revocation of arrest warrants and the third was a hearing to revoke the substitutive measures granted to the defendants Salán Sánchez and Malfred Pérez Ramírez, but the presiding judge postponed this hearing until May 7.

¹² Antonio, S., [Guatemala implementa el mecanismo de búsqueda de migrantes desaparecidos](#), Prensa Comunitaria, 22.04.2024.

¹³ Marina, R., Liso, V., Villegas, G. y Godínez, G., [Falta de datos, maltratos y discriminación: autoridades de Guatemala fallan en la búsqueda de sus migrantes desaparecidos](#), Animal Político, 19.08.2023.

¹⁴ Equipo Migrar y Desaparecer, [Migrar y desaparecer \(II\): autoridades de Guatemala fallan en la búsqueda de sus migrantes desaparecidos](#), Distintas Latitudes, 14.09.2023.

¹⁵ FJEDD, [Informe sobre la situación de personas guatemaltecas migrantes desaparecidas](#), Fundación para la Justicia, 03.2023.

¹⁶ We maintained regular contact with accompanied organizations who are not specifically mentioned in this section, but there are no activities to highlight.

¹⁷ See our website for general information on organizations and individuals we accompany: <https://pbi-guatemala.org/en/groups-and-individuals-currently-accompanied-pbi>

- A public hearing regarding the special appeal filed by the plaintiffs in the “Dos Erres” case.
- We accompanied a commemorative act for the victims of the 1982 massacre in the village of Los Josefinos, in Petén.



This month we began accompanying the **Association for Justice and Reconciliation (AJR)** to the hearings in the “Ixil Genocide” case against Manuel Benedicto Lucas García, former Chief of Staff of the Guatemalan Army and brother of former de-facto president Fernando Romeo Lucas García (1978-1982). We attended five of the hearings, in which women survivors of sexual violence testified. Expert reports were also presented explaining the consequences of the massacres perpetrated against the civilian population.

THE ISSUE OF ACCESS TO LAND

We continued our accompaniment of the **Community Council of the Highlands (CCDA) - Las Verapaces**. We met with one of their coordinators, Lesbia Artola, to update us on her human rights work, as well as to follow up on the increase in threats to human rights defenders in the region and the criminalization processes she and other members of the organization are experiencing. We also accompanied Lesbia and the other coordinator, Imelda Teyul, along with members of the Chirrix Tzul community to the Cobán Public Prosecutor's Office to file a complaint regarding the violent and extrajudicial eviction. We also accompanied them as far as the door of the MP's office for a conciliation meeting, which did not go ahead in the end. Another activity we accompanied was the hearing for José Gualna Che and Ricardo Chub, both of whom are from the Río Cristalino community. They are members of CDDA who are being criminalized following a denunciation by the Dieseldorff family. The prosecution offered them a plea bargain which would recognize the crime of aggravated trespassing and require paying a fine of Q3 million and Q50,000 respectively within one month from the date of the hearing and refrain from entering into contact with the plaintiff. They accepted this offer so that the charges, arrest warrants and other coercive measures would be withdrawn. If they fail to collect the stipulated amount of money, they will go to trial for the crime.



Regarding our accompaniment of the **Union of Peasant Organizations Las Verapaces (UVOC)**, we maintained our regular meetings with their general coordinator, Carlos Morales, to follow up and update us on the security situation and the work in defense of access to land, as well as the peasant agreement on agrarian policies included in the 100-day plan of the new government. We also traveled with Carlos to the Lajeb Kej community (Tucurú, Alta Verapaz), which has been under threat of eviction for four years.

DEFENSE OF THE TERRITORY

On Sunday, April 7, we attended the Mass organized by the **Peaceful Resistance, La Puya**, which has been defending water, life and community health for 13 years, opposing the mining project Progreso VII Derivada, led by the US company Kappes, Cassidy & Associates (KCA) which did not undergo community consultation.

In the framework of our accompaniment of **TZK'AT Network of Ancestral Healer of Community Feminism from Iximulew** we traveled to Santa María Cahabón and the community of Sactá where they held meetings and with the **Peaceful Resistance, Cahabón**, in relation to the persecutions, aggressions and threats suffered by human rights defenders in the territory for the defense of water.

We visited the sit-in held by **Multisector Chinautla** (department of Guatemala), at km 12 of the Chinautla highway. Their work is focused on raising awareness of the pollution and negative impacts on the indigenous population caused by the incessant work of the clay extraction companies operating in the area. On Tuesday, April 23, we also accompanied a group of women who accompanied the family of human rights defender Armando Vázquez, whose children recently experienced an armed attack with terrible consequences: the youngest, 16 years old, died and the oldest, 19, was wounded. Due to the extreme seriousness of the attack, we issued and disseminated an ALERT about these events on April 25.



In Chiquimula:

- We visited the **Maya Ch'orti Indigenous Council of Olopa** where several of its members shared with us their concerns regarding water scarcity and pollution, as well as the possible reopening of the Manantiales Mine, which is also related to the criminalization of four members of the Council who are awaiting trial.
- We accompanied the **indigenous community of San Francisco Quetzaltepeque** to a reporting activity carried out by the MP in the Quetzaltepeque volcano. They updated us on the work they are doing in defense of their ancestral lands. We also visited their headquarters to learn more about the context of the struggle for their ancestral lands.

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:

- Isabel MacDonald, Human Rights Officer, **Embassy of the United Kingdom**.
- Thomas Wuelfing, Ministerial Counselor, and Ines Mussig, Economic Cooperation Advisor, **German Embassy**.
- Aron Lindblom, Second Secretary at the **Swedish Embassy**.

Also this month we held a meeting in our offices with: Kevin O'Riordan, Head of the Central American Office at the **Irish Embassy in Mexico**; Niall Tierney, Director and Vincent Maher, Deputy Director of the Global Programs Unit of the **Department of Foreign Affairs and Trade of the Government of Ireland** and Pamela Uwakwe, Director of the Latin America and Caribbean Unit of the same Department.

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

- Héctor Oswaldo Samayoa Sosa, Director of **the Presidential Commission for Peace and Human Rights (COPADEH), Guatemala City**.
- Sergio Pinelo, Assistant at **COPADEH headquarters in Cobán**, Alta Verapaz.
- Luis Arriola, Departmental Assistant, and Patricia Paa, Human Rights Officer of the **Human Rights Ombudsman's Office (PDH) of Alta Verapaz**.
- Commissioner Del Cid, Police Station 11 of the **National Civil Police (PNC), Guatemala City**.
- Feliciano Cruz, Commissioner of the 51st Police Station of the **PNC Department of Alta Verapaz, Cobán**.
- **Local PNC of San Antonio Las Flores-Chinautla**.

4. OTHER ACTIVITIES OF PBI GUATEMALA

This month we held our **semi-annual Assembly** in Guatemala City, where we evaluated our work from the previous semester and planned for the next. The week after the assembly, members of the office and the project committee made a trip to the eastern part of the country to visit several of the accompanied organizations.

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.



COMUNICADO

La violencia sexual no debe quedar impune

Las sobrevivientes del Caso Mujeres Achi y la Asociación Bufete Jurídico Popular (ABJP) de Rabinal nos solidarizamos con las sobrevivientes de violencia sexual que darán sus testimonios en el juicio en contra de Benedicto Lucas, jefe del Estado Mayor General del Ejército, por el genocidio del Pueblo Ixil en los 1981-1982.

En Guatemala, dos sentencias confirman que la cúpula militar y de poder cometió genocidio durante el conflicto armado interno, y los testimonios de decenas de víctimas fueron fundamentales para que los tribunales llegaran a esa conclusión. Además, ambas sentencias reconocen que la violencia sexual se utilizó para cometer genocidio.

La violencia sexual es altamente destructiva porque impacta a las víctimas directas, sus familias y sus comunidades. No sólo provoca daños físicos y psicológicos, sino que provoca daños a nivel cultural porque las mujeres son las encargadas de transmitir la cultura de los pueblos indígenas.

En este nuevo juicio por el genocidio Ixil, expresamos nuestro reconocimiento a las mujeres que darán sus testimonios por la violencia sexual que sufrieron. Sabemos que romper el silencio es un paso difícil y que las sobrevivientes están dando ese paso por su anhelo de justicia, para que la violencia sexual no vuelva a ser utilizada por las fuerzas armadas del Estado en contra de los pueblos indígenas.

**#SuVerdadEsNuestraVerdad
#NoMásViolenciaSexual**

Rabinal, 22 de abril de 2024

The team of volunteers in PBI Guatemala is currently composed of Amparo Terrón Salvador (Spain), Carlos Fernández Arrúe (Spain), Marina García Alacreu (Spain), Elisa de Oliveira Ribeiro (Brazil), Gisela Farell Reviejo (Spain), Leonie Malin Höher (Germany), Anna Morales Mateu (Spain), Ana Gabriela Ascarrunz Ponce (Bolivia), Sebastián Aguirre Orozco (Colombia) y David Félix Azemar (Spain).

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**GUATEMALA PROJECT
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