



## GUATEMALA HUMAN RIGHTS COMMISSION/USA

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### Summary:

President Giammattei and his allies have not backed down in the face of international criticism. In response to Guatemala's classification with other systemic human rights violators by the IACHR, Giammattei accused the commission of "extortion" and attacking his administration on the basis of ideology. He also threatened the removal of USAID from Guatemala in a conversation with the Heritage Foundation—he later backpedaled on those comments attributing it to an error in translation. Meanwhile, attacks against human rights defenders, indigenous communities, judicial operators, and journalists continued.

### Relations in the International Community:

- *IACHR Classifies Guatemala with Systematic Violators of Human Rights*

In its [annual human rights report](#) released last week, the Inter-American Commission on Human Rights (IACHR) has [placed Guatemala](#) in chapter IV.B, reserved for countries that violate aspects of the Inter-American Democratic Charter. Analyzing the human rights situation in 2021 in the Organization of American States' thirty-five member states, the IACHR has grouped Guatemala with Cuba, Nicaragua, and Venezuela. Explaining its decision to include Guatemala in this section, the IACHR cites "structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration, the American Convention or other applicable instruments," including "systematic noncompliance of the State with its obligation to combat impunity, attributable to a manifest lack of will."

The IACHR report lists observations of systematic actions that have interfered with the independence of the justice system, which in turn have weakened the work of independent institutions, particularly those that continued to work to combat corruption and impunity since the departure of the International Commission Against Impunity in Guatemala (CICIG). It cites "irregularities in the process to select Constitutional Court judges for the 2021-2026 term; the refusal to swear in a judge who had been selected to serve on the Constitutional Court; the delay by the Congress of the Republic in continuing with the process of selection and nomination to the High Courts; the dismissal of the head of the FECCI; and the alleged abuse of motions for impeachment (antejuicio proceedings) to intimidate or eventually remove judges from office."

Moreover, the report notes that 2021 was a particularly dangerous year for human rights defenders" due to continuing acts of violence and proceedings to criminalize those who defend human rights in the country." It mentions the closure of democratic spaces, which "makes it more difficult to exercise the right to defend human rights in Guatemala." Raising the issue of violence, the IACHR notes the impact of murder of

defenders in 2021, particularly of members of the Campesino Development Committee, which has suffered 24 murders in the last four years. According to the report, “When an assault is committed in reprisal for a human rights defender’s actions, it produces a chilling effect on those connected to the defense and promotion of human rights,” especially in indigenous communities where the killing of a leader has “a serious impact on [the community’s] cultural integrity and breaks down the sense of community that binds them together in their struggle to defend their human rights.”

The report [warns that](#) “the systematic interference in the independence of the judiciary, the weakening of human rights institutions, and the increasingly evident setbacks in the fight against corruption and impunity have an impact, in turn, on democratic stability and the very exercise of human rights by the Guatemalan people.”

- *President Giammattei Threatens the Removal of USAID from Guatemala*

In a conversation with the Heritage Foundation, President Giammattei spoke of plans to request the departure of USAID from Guatemala. "Giammattei told us that he has already decided to ask the US Agency for International Development to leave Guatemala due to its promotion of indigenism," wrote authors Mike González and Mateo Haydar on the [Heritage Foundation Website](#). In the article, Giammattei is cited as accusing USAID and the US State Department under the Biden Administration of working with Indigenous communities in an effort to destabilize and overthrow the government.

Days later, President Giammattei responded, saying that there was some misinterpretation within the translation of his quotes, explaining that the phrases he used were given “different interpretations in the context in which they were expressed.” According to [US Ambassador to Guatemala William Popp](#), “We have not received any such information [of a request for removal], we continue to work daily with this effort.”

Conditions in Indigenous communities, however, have worsened significantly under the Giammattei administration. [According to the UN](#), the national poverty rate for Indigenous communities in recent years has been “almost 30 points above the national average,” and that “even before the COVID-19 pandemic, eight out of every 10 indigenous girls, boys and adolescents, live[d] in poverty.” In its [2021 report](#), USAID reported rates of malnutrition of 70 percent in the indigenous areas of Totonicapán, Quiché, and Huehuetenango. According to the [Borgen Project](#), in 2021, “Poverty rates average[d] 79 percent among indigenous groups, with 35 percent suffering from food insecurity.”

Moreover, in the last month, several violent evictions have taken place in Baja Verapaz, including an attempted eviction in San Rafael, Purulhá, Baja Verapaz, where at least [three were injured](#) by gunfire. Criminalization of indigenous defenders [doubled](#) in 2021. [Sixty-four defenders have been killed](#) in the last four years, the majority of whom were indigenous land defenders. “They pursue us, they lock us up, and they kill us,” explained Ixil Authority Miguel de Leon Ceto to our DC Team. “They speak of sovereignty, but they mean the sovereignty to steal from us. They don’t care about the sovereignty of the indigenous peoples to decide what happens to their communities.”

- *President Giammattei Rejects IACHR’s Human Rights Concerns on Guatemala*

On June 22, the Inter-American Commission on Human Rights (IACHR) held a [hearing](#) on the human rights situation in Guatemala, specifically concerning continued recent attacks on judicial officials and human rights defenders. The hour-and-a-half hearing included statements from nine human rights and research organizations, as well as the State of Guatemala. Based on the complaints and preoccupations presented by the organizations and the State's position, IACHR representatives [requested](#) that the State allow them to visit the country to ensure that the precautionary measures they suggested for judges and human rights defenders are being carried out. They also requested a report on the progression of public policy to protect defenders.

On June 3, CIDH [added](#) Guatemala to its black list of countries in which they categorized Guatemala with other countries known for "systematic human rights abuses." Following the hearing—and citing Guatemala's black list status—President Alejandro Giammatei [called](#) IACHR's requests "extortion," which, he threatened, "we do not allow." He accused the council of making its decisions with ideological bias in his criticism of the hearing.

### **Human Rights Defenders:**

- *CODECA Leader Assassinated in Izabal*

Human rights and environmental defender Pablo Ramos was [killed](#) in Navojoa, Morales, Izabal. According to witnesses, he was [shot](#) by two individuals on a motorcycle in the afternoon of June 7, while in the general store he owned. Ramos reportedly had received multiple threats from members of the [Manchame](#) family, who live in the same community, with whom community members have had a dispute over land. According to his family members, on June 6, Ramos had attended a conciliation hearing at the Public Prosecutor's Office in Morales, Izabal, where he had been summoned by the Manchame family.

Ramos had been a member of the Campesino Development Committee (CODECA) for 12 years, working to recover and defend the land of his community. CODECA [condemned](#) "this systematic, lethal violence that today annihilated the life of our brother and comrade" and demanded justice. [Twenty-four members](#) of CODECA have been murdered since 2018.

- *Q'eqchi Leaders from El Estor Detained*

Q'eqchi leaders [Cristobal Pop and Roque Sub were arrested](#) on June 13th on their way home from a press conference held by the Maya Q'echi ancestral council to denounce human rights violations suffered while fighting the Fenix Mining Project in El Estor. Mere hours after the conference convened, both were captured by PNC agents and [charged with](#) instigation to commit a crime for allegedly assaulting a group of police in October of 2021. Video evidence, however, reveals that the protest was primarily peaceful and that police officers used excessive force against the protesters.

They were [transferred](#) to Puerto Barrios prison and held for nine days before being [released](#) on bail on June 22. Pop has returned home but must sign at a courthouse every fifteen days. Upon his return to El Estor, [Pop said](#) “Thank you to the people who have stood in solidarity with me. Thank you also to the people that have criticized us because it has strengthened us and made us able to carry on our struggle.”

Sub was attacked on his way home. While passing through the Las Marias Farm in Panzos, Alta Verapaz, a group of 25 motorcyclists and seven trucks [ambushed](#) Roque and the group accompanying him. One person was reported injured by a firearm following the altercation. Their condition is unknown.

- *Charges Dropped Against Criminalized Activists*

On June 13, Judge Wendy Coloma [decided](#) to dismiss the cases against criminalized activists Dulce Archila and Nanci Sinto. They were charged with deprecation of cultural heritage during the demonstrations that took place on November 21, 2020—known as N21. These peaceful protests were met with police brutality and [excessive use of force](#). Archila and Sinto were identified by the Ministerio Publico (MP) as part of a group who “violently entered” the Congress of the Republic and put graffiti on inner walls of the People’s Hall. However, Judge Coloma cited a [lack of clear evidence](#) linking them to the crimes, including unclear photographs, documentation, and an inability to determine the amount of damage to the wall caused specifically by the graffiti. The decision prompted multiple social media posts in solidarity with the women, [denouncing their treatment](#) and the [methods](#) of the Ministerio Publico (MP).

The hashtags #LibertadParaDulce and #NanciLibre trended on Twitter during the hearings and after the charges were dropped. Sayings like [“Freedom for political prisoners”](#) and [“No wall is worth freedom”](#) appeared on signs outside the courtrooms, showing supporters’ frustrations over the months-long process of criminalization that Dulce and Nanci faced. The women have received [statements](#) of support from multiple Guatemalan advocacy organizations, decrying their treatment by the state that intends to “perpetuate terror, fear, and criminalization...as a message to those people who challenge power.”

Despite the charges being dropped, appeals have been filed by the Public Ministry challenging Coloma’s decision. As of June 28, [reports](#) reveal that the MP is also attempting to remove Coloma from the case altogether.

- *Police Abuse Journalists*

On June 13, cameraman and photojournalist José Cotzajay was [forcefully arrested](#) by PNC agents for a traffic violation in Chinautla, Guatemala. Many witnesses were present and watched as PNC agents struggled with Cotzajay before overpowering and shackling him.

The following day, journalist Robinson Ortega [suffered abuses](#) at the hands of the PNC. He, and other journalists, documented PNC agents boarding and deploying tear gas on a bus transporting women and children. The agents went so far as to try to shackle a woman traveling with her child. Ortega was recording and transmitting the events until PNC agents stripped him of his phone and camera, shackled him, and forced him to get in a patrol car after a struggle. Ortega then spent [six days in a hospital](#) while constantly “in fear of being sent to prison due to the malicious actions of the Public Prosecutor's Office.” After a delayed first hearing, the charges against him were dropped for a lack of merit.

A third incident came on June 21, when journalist Carlos Hernandez of PrensaLibre was [attacked by PNC](#) agents. Hernandez was covering a protest by agronomy students from San Carlos University (USAC) that blocked off Roosevelt Street when he faced undue aggression from police and special forces. While documenting the capture of a student, other police members pushed him and damaged his equipment.

In a [statement](#), the Human Rights Ombudsman’s Office (PDH) stressed that “freedom of expression and of the press are key to the exercise of other rights.” The PDH demanded that the Public Prosecutor’s Office “conduct a diligent and impartial investigation that includes within its line of investigation, the criminalization of journalists” and “investigates the members of the PNC who, abusing their authority, violated the rights of the population.” It also asked the president to reimplement the journalist protection program. The APG has responded to the attacks [by saying](#) “although the Minister of Government, Napoleón Barrientos, and the police institution have cataloged these acts as isolated cases, we consider them as part of a policy against journalists and demonstrators,” and requested that Congress take action against “those responsible for the violence against the press.”

- *Comptroller General Files Criminal Complaint Against MEM Employees for Misconduct in El Estor*

The Comptroller General of Guatemala (CGC) has [filed a criminal complaint](#) against Ministry of Energy and Mines (MEM) employees Alberto Pimental Mata and Luis Chang Navarro in response to the illegal operation of the Fenix Mining Project in El Estor. In December 2021, the CGC obtained documents stating that the mine continued activity until December 31, 2021, in direct violation of a Constitutional Court (CC) ruling in 2019 that ordered a suspension of mining operations until a proper consultation could be carried out. Now, both Pimental Mata and Chang Navarro face the CGC [criminal complaint](#) MPO01 – 2021 – 5868, which is currently in the hands of the Public Prosecutor’s office for Administrative Crimes.

Chang Navarro and Pimental Mata have denied the allegations. Pimental Mata [told auditors](#), “As the highest authority of the Ministry of Energy and Mines, I was not aware of the decision issued by the Constitutional Court, and even less, that it had not been complied with by the ministerial authorities that were in charge at that time.” Chang

Navarro [argued](#) that “there was no failure on my part to comply with the orders issued by the court of appeals, given that the timeline and the rules of the constitutional process of the appeal gave such obligation to another person.” The auditors, however, said that the noncompliance of the ministers in office in 2019 and 2020 had been verified, given that the ruling of the Constitutional Court wasn’t complied with.

The situation in El Estor, however, has not changed. Mining operations were [officially reactivated](#) in January following a highly contested “community consultation,” which took place in a context of repression of anti-mining protesters and the suspension of basic constitutional rights through a state of siege. Harassment, intimidation, and attacks against resistance members have continued in 2022. Earlier this year, one community member was [detained by local police](#) on trumped-up charges and 11 others associated with the anti-mining resistance face pending arrest warrants. On May 16, Indigenous Authority Adela Choc was attacked in her home and threatened with death when pro-mining community members accused her of witchcraft, held her against her will, and burned down her house.

#### **Attacks on Officials:**

- *Judge Rules that Former Special Prosecutor Must Continue to Await her Trial from Prison*

The hearing for Virginia Laparra Rivas—former head of Quetzaltenango’s branch of Guatemala’s Special Prosecutor’s Office against Impunity (FECI)—[took place](#) on June 7. Laparra’s legal team filed a request for “substitutive measures” which would allow her to await her trial under house arrest. The request, however, was denied by Judge Sergio Mena, who ruled to [move](#) Laparra to the Matamoros prison, where she will stay until her trial. Her hearing has been suspended, and a new date has not been set.

Prior to Laparra’s hearing, demonstrators gathered outside of the courthouse in solidarity with Laparra, demanding her release. She was [accompanied](#) by the Unit for Protection of Human Rights Defenders in Guatemala (UDEFEUGUA). Judge Mena, however, [barred](#) the media and UDEFEUGUA from entering the courtroom and allowed authorities to [block](#) courtroom windows with paper.

Laparra will now stand trial for the charge of [breach of duty](#). The charge stems from her presentation of legal complaints related to the misconduct of former high risk judge Lester Castellanos. [National](#) and international organizations have denounced the charges against her as criminalization, [stating](#) that the Guatemalan government has begun “the systematic persecution of those who confronted corruption, assembling spurious cases in order to carry out political vengeance.” As a direct result of arbitrary [delays in the legal process](#), Laparra spent over 100 days in Mariscal Zavala prison in pretrial detention, under conditions that she [denounced as](#) disproportionately extreme for her charges. Clinical psychologists [identified](#) her treatment by authorities as psychological torture.

In addition to her pretrial detention, Laparra has faced [threats on social media](#) from the Foundation Against Terrorism and its supporters. In respect to Laparra's continuing persecution, the advocacy organization Justicia Ya [condemned](#) "the revenge of defenders of corruption" in a judicial process that is "opaque" and "full of irregularities."

- *Appeal to Remove Immunity of Judge Miguel Angel Galvez Moves Forward*

On June 15, the Guatemalan Supreme Court of Justice (CSJ) [ruled](#) to remove the judicial immunity of High Risk Court Judge Miguel Angel Galvez. The preliminary ruling—filed by the Foundation Against Terrorism (FCT) and leader Ricardo Mendez Ruiz—[accuses](#) Galvez of abuse of authority. According to the 2021 US State Department [report on human rights practices in Guatemala](#), the group filed more than 131 civil and criminal cases against human rights and transitional justice NGOs, human rights defenders, and judicial workers in 2020 and 2021. Cases involving FCT often become very personal, with Ruiz and FCT lawyers [attending hearings](#), [threatening and harassing](#) defendants, and [ridiculing and maligning](#) them on social media. Human rights organizations released a [statement](#) in support of Galvez, calling on the CSJ to respect judicial independence and urging for continued international monitoring of the weakened judicial system in the country.

Since Galvez ruled to send nine former military officers to trial in May on the Diario Militar case, he has faced [frequent threats and attacks](#). He has reason to fear for his safety, as the removal of judicial immunity has often preceded imprisonment. With this ruling, [Galvez expects](#) he will become the latest of over 20 endangered Guatemalan judges and prosecutors who have fled into exile in the US. In the past standing up for democracy could mean death but "today, in 2022," he said, "it is exile."

- *CC Gives Human Rights Commission 48 Hours to Submit Evidence Against Human Rights Ombudsman*

On [June 8](#), Guatemala's Constitutional Court (CC) processed Human Rights Ombudsman Jordan Rodas' appeal and required that the Human Rights Commission of the Guatemalan Congress supply corresponding records or a circumstantial report within 48 hours. Rodas's request came following the Commission's May 31 [attempt](#) to remove him from office, the seventh such removal attempt he has faced throughout his almost five years in the position. [He is accused of](#) campaigning for the position of rector of the University of San Carlos during working hours, a charge he claims [lacks](#) legal merit. He also asserts that the legal process [violates](#) his right to defense, as his summons occurred while he was in Ecuador attending the IV Ibero-American Migration Summit.

In light of the removal attempt, Rodas has faced increasing blatant [threats and ridicule](#), especially from leaders within Foundation against Terrorism (FCT). Video footage reveals FCT lawyer Raul Falla threatening Rodas when the men [crossed paths](#) at Virginia Laparra's hearing on June 8. However, various human rights organizations—[including](#) the Inter-American Commission on Human Rights—have expressed concern over the

recent treatment of Rodas. Jorge Santos, director of UDEFEGUA, also [expressed support](#) for Rodas and [denounced](#) the removal process as an attempt to achieve “the absolute capture of state” so “those who hold power can commit acts of corruption and violence without receiving sanctions.”

- *Former Attorney General Claudia Paz y Paz faces charges of torture and more*

[New charges](#) have been mounted against former Attorney General Claudia Paz y Paz for the alleged crimes of forced disappearance, torture, abuse of power, and usurpation of functions. [Paz y Paz fled](#) Guatemala in 2014 on the same day that she resigned her position as Attorney General. Her exile was prompted by concerns for her safety and fear of arrest after she [faced threats and persecution](#) for her work fighting impunity and corruption. The complaint filed by the National Office for the Prevention of Torture (ONPT) [alleges that](#) Paz y Paz overstepped her role as Attorney General and “issued an instruction to initiate specific and selective criminal prosecution” against eight former members of the Guatemalan army in 2011.

Several national and international human rights organizations, including, The Due Process of Law Foundation (DPLF) [rejected the criminal complaint](#) against former Attorney General Paz y Paz stating that the complaint “is part of a pattern of criminalization against human rights defenders and independent justice operators in Guatemala.” The DPLF [expressed concern](#) over the increase in attacks against defenders and condemned “these actions that seek to silence those who dare to denounce corruption and impunity in Guatemala.”