



## GUATEMALA HUMAN RIGHTS COMMISSION/USA

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### Summary:

This year closed out with yet another month of violence, corruption, and criminalization in Guatemala. Violent evictions, in particular, surged in December with several attacks from National Civil Police (PNC) against Q'eqchi' communities in Alta Verapaz and El Estor. Criminalized journalist Jose Ruben Zamorra was sent to trial and former lead prosecutor Virginia Laparra was convicted of abuse of authority. Another difficult month for human rights in Guatemala.

### Land Conflicts, Violent Evictions, and Indigenous Territorial Rights

- *State Security Forces Open Fire on Q'eqchi' Community in El Estor*

In the early morning of [December 6](#), hundreds of Guatemalan police and military forces attacked the Q'eqchi' community of Chapín Abajo in El Estor, Izabal. The group arrived via boat, working alongside what witnesses have reported as local paramilitary groups, and entered the community by force. These State security forces were acting on behalf of the major land holder and African palm oil company, Naturaceites that filed an eviction notice, accusing the community of “usurpation of land.”

[Video evidence](#) reveals excessive force was used against the community. The forces opened fire, launched teargas, and beat community members. So far, two have been [reported](#) injured, including one minor who has been hospitalized from gunshot wounds and remains in critical condition. Dozens of community members, including children, were exposed to unsafe levels of tear gas. Five have been detained, including two minors. Local Q'eqchi' Ancestral Councils have asked for an official observation mission from the Human Rights Ombudsman's Office (PDH) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) to visit the area to verify the situation.

Both national and international groups came forward, denouncing the attack. The Forum of International Organizations in Guatemala ([FONGI](#)) condemned the excessive use of force and called upon the State of Guatemala to “comply with its human rights obligations.” In an alert published on December 7, [GHRC](#) expressed concerns for “the safety and well-being of indigenous communities in El Estor and throughout Guatemala, as cases of violent evictions by state security forces in collaboration with paramilitary groups have increased this year.”

- *Homes of Q'eqchi Community in the Peten Burned During Violent Eviction*

On [December 15](#), National Civil Police (PNC) arrived to evict 65 Q'eqchi families from their community in Se'inup', El Chal, Peten. Police officers forcibly removed the families from their homes, destroying their food and belongings. Later, what community members reported as "private individuals" arrived and burned down their homes. These individuals arrived in a van marked with the logo of the San Agustin company, a company that also claims ownership of the land where the community lies.

The land where the community currently resides is "double booked" in the Guatemalan land registry, registered to both the Guatemalan State and the San Agustin company. The community has worked for over five years to obtain the legal titles to the land, attempting to work with the state to be granted access to a place to grow its food and support its families. This effort, however, has been met with both violence and criminalization at the hands of the company. In 2021, the company filed a criminal complaint against the community, accusing them of usurpation of land. In addition to the December 15 eviction, the community has been evicted twice before. On [September 30](#), masked individuals arrived, firing bullets into the air to intimidate the community, before forcing them out of their homes and killing their livestock.

According to [Leocadio Juracán](#) of the Peasant Committee of the Highlands (CCDA), these types of evictions have increased in recent years, explaining that "it's similar to what happened in Las Pilas in Cahabón and in San Juan los Tres Ríos in Cobán. They entered those places with shots at midnight, threatening and destroying everything, continuing, "These are practices of the internal armed conflict, with the aim of intimidating." In 2022, as documented by GHRC on our [emergency delegation](#) this July, violent evictions of Indigenous communities are increasing.

- *Indigenous Communities Dispute Claim from Mining Company that Operations Have Been Suspended*

In response to the designation of [Magnitsky Sanctions](#) by the US Treasury Department, the Guatemalan mining company MayaNiquel announced its suspension of all operations. MayaNiquel is one of three subsidiaries of the Russian owned mining conglomerate Solway and is currently in charge of mining operations on the highly contested Fenix Mine in El Estor. Community members, however, [report](#) that mining operations have not been suspended, but instead continue under cover of night.

According to an anonymous community member from El Estor, "On the road where they worked -in the community of Las Nubes and a part of Panzós- there is a crane that covers the road, supposedly, to make it clear that they are no longer working there, but at night they open the way and extract the earth red. Then, the material is transported by Mayaniquel trucks." Community members estimate that about 20 truckloads of material are excavated each night.

Community members associated with the Fisherman's Guild in El Estor—one of the groups that makes up the anti-mining resistance in El Estor—also shared their concerns,

as threats against them have risen. President of the Fisherman's Guild Cristobal Pop was [threatened](#) when men showed up to his house while he was at a hearing just days after the announcement of the Magnitsky Sanctions. A drone also flew by his home days before.

- *Human Rights Defender Murdered in Jalapa*

The body of Tereso Carcamo Flores was found, riddled with bullets on [December 5](#), some 600 meters from his home in Santa María Xalapán, Jalapa. Flores was returning home from a wake in El Volcán, when he was attacked by armed men and killed. According to Flores' family, he had been receiving threats for months, related to his involvement with the Campesino Development Committee (CODECA) and his work supporting Indigenous communities' struggle for land in the area.

He had been a member of CODECA for over nine years. According to another of the organization's leaders, Leiria Vay, these attacks are commonplace and in line with a pattern of violence against CODECA and human rights defenders in the region. "There are groups in alliance with mafias and hitmen that want to maintain power, they always act in the same way," he explained. Flores' death marks the [25th murder](#) of members of CODECA since 2018, all of which remain in impunity.

## **Criminalization and Impunity**

- *Top Anti-Corruption Prosecutor Convicted and Sentenced to Four Years in Prison*

On [December 15](#), the eighth court for criminal sentencing, drug trafficking and crimes against the environment in Guatemala City ruled to convict the former head of the Special Prosecutor's Office Against Impunity (FECI) in Quetzaltenango Virginia Laparra for abuse of authority. In spite of international outcry and demands for her release, she was sentenced to four years in prison.

Arrested on February 23, Laparra was one of several prosecutors detained during a [string of arrests](#) made against anti-corruption attorneys. The charges against her, however, fall into a pattern of retaliation made against former prosecutors in Guatemala, in her specific case, for denouncing a judge that she believed had leaked sensitive details of a sealed corruption case. For ten months, she suffered in pretrial detention, in spite of several attempts to be granted house arrest (all of which were denied). Forced to await her trial in solitary confinement, given only one hour of sunlight a day, her conditions were classified by clinical psychologists as "psychological abuse" amounting to "torture."

Since her initial arrest, her case has been marked with irregularities. Amnesty International declared Laparra a "[prisoner of conscience](#)," on November 28, arguing that her rights to liberty and due process had been violated. During the trial—also observed by GHRC—observers documented and denounced alarming irregularities, such as the refusal to accept evidence, intimidation of national and international observers in the courthouse, and exceeding legal deadlines. According to [Erika Guevara Rosas](#)—Director

for the Americas at Amnesty International, “this conviction is one more example of the criminalization of justice operators in Guatemala who have put human rights first.”

- *Judge Rules to Send World-Renowned Journalist to Trial*

José Rubén Zamora—president of media outlet *El Periodico* and investigative journalist—will stand trial on charges of [blackmail, influence peddling, and money laundering](#). On [December 8](#) in the Tribunal trials in Guatemala City, Judge Freddy Orellana ruled that there was sufficient evidence to send Zamora to trial. Arrested in late July, Zamora has spent the last five months in pretrial detention in the Mariscal Zavala military prison in spite of [international outcry](#) demanding his release.

At the tribunals, President of the Inter-American Press Association (IAPA) Michael Greenspan accompanied the hearing, lending his public support for the criminalized journalist. In its latest report on press freedom in Guatemala, the IAPA documented an “environment of hostility against the press,” denouncing that, “journalists and media outlets are being systematically attacked if they do not bow to the interests of the government.” As an investigative journalist, Zamora has worked over 30 years investigating corruption and has served as one of President Giammattei’s largest critics; human rights groups have [denounced](#) his arrest as retaliation. According to Zamora, “My best scenario is to get out [of prison] Jan. 14, 2024, when Giammattei leaves the presidency. I have patience and the truth on my side.”

- *Former President’s Sentence Leaves Much to be Desired in Fight Against Impunity*

On [December 7](#), former President Otto Pérez Molina and his vice-president Roxana Baldetti were sentenced to 16 years in prison on the charges of illicit association and customs fraud. Seven years prior, the two resigned from their positions following massive country-wide protests that erupted after the Public Prosecutor’s Office (MP) and the International Commission Against Impunity (CICIG) uncovered extensive corruption in Guatemala’s tax system.

Former head of the Special Prosecutor’s Office Against Impunity Juan Francisco Sandoval—one of the 31 judges and prosecutors that has been [forced into exile](#) during the Giammattei administration—welcomed the verdict stating, “It is a vindication of the work carried out by [those who worked with] CICIG and the public prosecutor’s office.” For many, however, the sentence was not enough. The court ruled to absolve the two of “illicit enrichment,” citing a lack of evidence. According to Edie Cux, a lawyer with the Guatemalan anti-corruption organization Acción Ciudadana, “It sends a message of institutional weakness regarding cases dealing with corruption.”

## **US Policy**

- *Congressional Offices Introduce Bill to Prevent Development-Related Human Rights Abuses*

A group of five congressional offices introduced the [\*Chixoy International Financial Institution Reparations Act of 2022\*](#) on December 20. Led by Representatives Jesús “Chuy”García (IL-04) and Jan Schakowsky (IL-09), also joined by Ilhan Omar (MN-05), Mark Pocan (WI-02), and Raúl Grijalva (AZ-03), the bill aims to create a recourse mechanism for victims of human rights violations associated with projects supported by international financial institutions (IFIs). It directs US representatives at IFIs to take human rights and corruption risks into consideration when approving projects.

The bill is named in recognition of those that suffered from the imposition of the Chixoy Dam in Guatemala that resulted in the [rape, torture, murder, and forced disappearance](#) of the Guatemalan Indigenous communities living within the project area. The project was incidentally funded by the World Bank as part of a “development” strategy in Guatemala in the 1980s. Understanding the role that IFIs have played in financing projects implicated in serious human rights violations—like the Chixoy Dam—this legislation seeks to open a larger discussion on the need to prevent human rights abuses by development banks and create independent appropriate mechanisms to hold those institutions accountable.

According to Rep. Schakowsky, “We must learn from our mistakes and confront our legacy of oppression. No entity, foreign or domestic, has the right to commit human rights abuses in the name of development.” For Indigenous human rights leader Juan de Dios García, “The investments of the international financial entities are not all as intended, and the results have been disastrous. Today opens a beacon of hope for us with the introduction of the Chixoy International Financial Institution Reparations Act of 2022. It creates a path for us to find justice.”