



GUATEMALA HUMAN RIGHTS COMMISSION/USA

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Human Rights Update February 2023

Summary:

As the election draws nearer, tensions continue to rise in Guatemala. Protesters gathered across Guatemala following the rejection of the appeal from progressive candidates with the People's Liberation Movement (MLP). Meanwhile, genocide survivors filed for an injunction against the candidacy of the daughter of the ex-dictator convicted of genocide in 2013. Criminalized prosecutor Virginia Laparra's health is at risk, but has not been given access to timely and adequate healthcare while imprisoned. Finally, land conflicts remain violent, with a campesino killed by security forces on February 14.

Elections 2023:

- *Indigenous Survivors File for Injunction Against Former Dictator's Daughter*

On February 25, the National Day for the Dignification of the Victims of the Armed Conflict, survivors and families of the victims [filed for an injunction](#) against the candidacy of Zury Ríos. In a press conference outside of the Supreme Court of Justice (CSJ), the National Platform of the Victims of the Armed Conflict asserted that the Constitution of Guatemala forbids direct relatives of coup leaders to run for President.

Ríos' father, [General Efraín Ríos Montt](#), came to power in a coup d'état on March 23, 1982. His de facto government served as one of the bloodiest periods of the internal armed conflict, marked by widespread massacres of mostly Indigenous communities. In 2013, Ríos Montt was [convicted of genocide](#) against the Ixil people. The verdict, however, was reversed on a technicality just days later by the Constitutional Court (CC). According to representative of the Platform Feliciano Marcarío, allowing Ríos to run for the position of head of state "is an action that goes against the dignity of the surviving families of the Internal Armed Conflict."

- *Protesters Block Highways Across Guatemala, Demand Electoral Transparency*

In the early morning of [February 16](#), protesters gathered across Guatemala. Following the ruling from the Supreme Court (CSJ) not to accept the appeal from progressive candidates from the People's Liberation Movement (MLP), supporters organized a national strike, calling the decision an "electoral coup" and demanding the registration of the candidates.

Two weeks earlier, the Supreme Electoral Tribunal (TSE) rejected the registration of the MLP ticket of longtime Indigenous activist Thelma Cabrera and former Human Rights

Ombudsman Jordán Rodas. Cabrera and Rodas challenged the decision by filing an appeal to the CSJ, which was denied. According to [Rodas](#), "The national legal battle to demand the exercise of our civic and political rights as a binomial continues." The duo plans to bring the case to the Constitutional Court (CC). Cabrera and Rodas also recently visited Washington, DC, to share their concerns about electoral fraud with the Inter-American Commission on Human Rights.

Meanwhile, protesters [blocked highways](#) and bridges in Guatemala throughout twelve different departments. Carrying signs, a large group of protesters gathered outside the TSE building, [demanding transparency](#) in the upcoming elections. Indigenous human rights defender and former prisoner of conscience [Bernardo Caal](#) stated, "Preventing the registration of Thelma Cabrera as a presidential candidate is an act of racism." The strike continued throughout the week.

Criminalization and Transitional Justice:

- *Judge Grants House Arrest to Officers Accused of Crimes Against Humanity*

On [February 1](#), Judge Rudy Eleazar Bautista, granted house arrest to two ex-soldiers on trial for crimes related to the [Death Squad Dossier Case](#). Salán Sánchez and Pérez Lorenzo face charges of forced disappearance, murder, attempted murder, and crimes against humanity. With this ruling, the two will no longer have to await their trials from prison.

Family members of the victims of the Death Squad Dossier Case, called the ruling a devastating blow to transitional justice in Guatemala. In a [statement](#), they said, "This resolution adds to the long list of benefits that functionaries of impunity and corruption in Guatemala grant to perpetrators of serious crimes of corruption and crimes against humanity." Since the discovery of the Dossier—a compilation of Guatemalan intelligence files discovered in 1999 detailing the torture and murder of over 183 "political dissidents" by security forces between 1982 and 1982—these families have worked tirelessly for justice for their loved ones. With the release of the defendants, the victims fear their own safety as they try to push the case forward. "We consider that it is an injustice," said lawyer [Santiago Choc](#). He continued, "This is a circumstance that offends the dignity of the victims, because they are failing to protect them."

- *Criminalized Prosecutor Denied Medical Care in Prison*

On [February 23, 2022](#), Guatemalan authorities arrested former head of the Special Prosecutor's Office Against Impunity (FECI) in Quetzaltenango, Virginia Laparra. Accused of "abuse of authority," Laparra was ordered by judges to remain in detention while awaiting her trial. International groups denounced the explicit criminalization of Laparra, demanding her release. UN Special Rapporteur on the independence of judges and lawyers, Margaret Satterthwaite, urged authorities to free Laparra, stating, "I'm especially concerned about the irregularities in Ms. Laparra's case and her continued

detention in conditions that may put her health and safety at risk.” Laparra was convicted last December and sentenced to four years in prison.

In the last year, Laparra has been held in conditions of “[psychological torture](#),” according to [Amnesty International](#), which is “incompatible with human dignity.” She urgently needs surgery, but prison authorities are refusing her access to the care she needs any sooner than May. Director for the Americas at Amnesty International, Erika Guevara Rosas, stated, “Virginia Laparra must be released immediately and unconditionally; one more day in prison puts her health and rights at serious risk.”

Human Rights and Environmental Defenders and Land Conflict:

- *Swiss Delegation Confirms Mining Operations in El Estor Are Continuing*

From January 25-28, our Guatemala Team led a delegation of visitors from Switzerland to investigate conditions in El Estor related to an illegal nickel mine which threatens local Indigenous communities. Currently owned by Swiss-Russian conglomerate Solway, the Fenix mine is an open pit nickel mine managed by Guatemalan subsidiaries MayaNiquel, Pronico, and the Guatemalan Nickel Company (CGN). Since its creation in El Estor, ownership of the mine has passed between multiple international companies who have left a trail of human rights abuses. Former Canadian owner Hudbay Minerals, for example, is currently facing an [international lawsuit](#) regarding sexual assault of 11 Q’eqchi women by company security. In [October of 2021](#), Guatemalan security forces—acting at the direction of company management—violently attacked Q’eqchi protesters which was later [condemned](#) by the Inter-American Commission on Human Rights as “excessive use of force.”

In another instance, on November 18, the [US Department of Treasury](#) sanctioned Russian national **Dmitry Kudryakov**, Belarusian national **Iryna Litviniuk** and three others for their role in exploiting the Guatemalan mining sector under the Global Magnitsky Act. Under Secretary of the Treasury for Terrorism and Financial Intelligence Brian E. Nelson stated, “We will use our tools to help ensure that corrupt profiteers face consequences for stealing from the Guatemalan people.” Solway leadership immediately denied its connection to both businesspeople and announced that operations would be suspended until further notice. Community members however, report that they can hear trucks transporting mining materials at night. The mining operations are continuing.

- *Security Forces Open Fire on Campesinos in the Petén, Killing One*

On February 14, police opened fire on community members in La Revancha, Sierra de Lacandón, Petén. Witnesses report that while a group of campesinos tended to their crops, agents from the Nature Protection Division (DIPRONA) and the National Council of Protected Areas (CONAP) arrived, accompanied by members of the military and National Civil Police (PNC). The agents fired at the group, leaving four community members seriously injured. They were rushed to the hospital in El Paraíso for emergency

medical attention, where thirty-eight-year-old Sergio López Osorio lost his life after succumbing to his wounds.

In a [statement](#), the communities of Laguna del Tigre and Sierra de Lacandón denounced the attack and the “clear policy of persecution and extermination against this population.” The People’s Liberation Movement (MLP) echoed their sentiments, [stating](#), “These practices are reminiscent of the years of the armed conflict.” The communities called upon the state to investigate the attack and reopen dialogue with communities impacted by the “[Protected Areas Law](#).”

US Policy:

- *US Seeks to Solve Migration Crisis with Billion Dollar Investment Plan*

On February 6th, even as Guatemalan authorities engage in a [systematic evisceration](#) of its justice system and private industry continues to dispossess Indigenous communities, Vice President Kamala Harris announced the next phase of her migration plan for Central America. Known as the “[Root Causes Strategy](#),” this Vice Presidential initiative aims to tackle “the drivers of irregular migration by improving the conditions in El Salvador, Guatemala, and Honduras so people do not feel compelled to leave their homes.” In May of last year, Harris announced the creation of the Partnership for Central America (PCA) with a Call to Action to potential investors. This week, in a presentation for a group of US government officials and private sector leaders, Harris announced the next phase of the initiative: Central America Forward.

In this phase, the US government will enact a series of [new commitments](#) to encourage more private sector engagement. Harris announced a new wave of private sector commitments of \$950 million, raising the total investment under the Call to Action to over \$4.2 billion. New commitments include Columbia Sportswear, Target, and other companies looking to purchase more textiles from Central American clothing factories, also known as “maquilas.” These clothing factories are infamous for decades’ long abuse of workers and criminal disregard for local environments. It will also include more access to funding for private companies from the US Development Finance Corporation (DFC).

Even as the [White House](#) insists that “Central America Forward is a framework that goes beyond addressing the economic drivers of migration,” civil society organizations are deeply concerned at the plan’s failure to address the region’s persistent and alarming abuse of human rights, failure of the rule of law, and deeply entrenched corruption. “Addressing the root causes of forced migration from Central America must focus on urging governments of the region to serve their people-without corruption and with full respect for human rights and the rule of law,” said Director of the Latin America Working Group (LAWG) [Lisa Haguard](#). She continued, “Investment pledges mean little or can be counterproductive if US policy fails to fully address the corruption and human rights violations faced by the rural and urban poor, Indigenous and Afrodescendant communities, women and LGBTQ people, and human rights defenders in Central America.”

Last March, GHRC, LAWG, and 17 other organizations sent a [letter](#) to the DFC urging it to reassess its investment plans in Guatemala in light of rampant corruption and the breakdown of protections for human rights defenders and Indigenous communities. It stated, “A sound investment climate requires stability and strong institutions, as well as consistent adherence to rule of law.” Since then, conditions in Guatemala have only worsened. For 2022, Guatemala earned a historically low rating from Transparency International on its [Corruption Perception Index](#)—a rate unseen since 1996. Meanwhile, violent evictions in rural and Indigenous communities continue to rise.