



## GUATEMALA HUMAN RIGHTS COMMISSION/USA

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*Human Rights Update March 2023*

### **Summary:**

Worst fears for Guatemala were confirmed this month with the release of the Unit for the Protection of Human Rights Defenders' (UDEFEGUA) 2022 report confirming last year as the worst year on record for human rights this century. With nearly triple the amount of attacks on defenders from the previous year, the situation in Guatemala is bleak. The State Department's report also published this month digs into patterns of abuse, citing worrisome examples of attacks against prosecutors, journalists, and Indigenous leaders. Meanwhile, in Guatemala, attacks continued. The State of Guatemala earned international condemnation on several occasions after going after a new set of internationally recognized journalists and prosecutors. In the US, policymakers responded, raising alarms for the future of rule of law and democracy in Guatemala. With the election in site, collective worry is growing.

### **Attacks on Human Rights Defenders**

- *Reports Confirm 2022 as the Worst Year on Record for Human Rights in this Century*

The Unit for the Protection of Human Rights Defenders (UDEFEGUA) presented its Human Report for 2022 on March 23. The report, titled "Revenge as State Public Policy: Guatemala in Serious Democratic Crisis," points to the breakdown of human rights conditions in Guatemala. For 2022, UDEDEGUA registered 3,574 attacks against defenders, three times higher than the 1,020 reported in 2021 and the highest ever recorded in the 23-year history of the organization. According to UDEFEGUA Director Jorge Santos, in today's context, "anyone who is considered an opponent of the regime is persecuted."

The report uses the term "revenge strategies" to describe a public policy implemented by the current administration to punish and silence all dissident voices. Tactics included harassment, intimidation, defamation, and violence against defenders. UDEFEGUA identified criminalization as the most common form of attack, with 1,737 cases registered. The report describes a pattern within criminalization cases that begins with defamation on social media and ends with the mounting of spurious charges that often lead to imprisonment or exile. According to the report, justice sector workers, transitional justice advocates, journalists, and environmental defenders were the most heavily targeted sectors. Defenders also suffered harassment, intimidation, physical attacks, and, in extreme cases, murder.

On March 20, the US State Department released its own report on the human rights situation in Guatemala that reflected similar patterns of abuse described by UDEFEGUA. The State Department illustrated key issues, like arbitrary detention, severe problems

with the judiciary, violent attacks against Indigenous communities, the persecution of journalists and judicial sector workers, and widespread impunity. It cited the cases of Carlos Choc, José Rubén Zamorra, and Virginia Laparra as examples of these state-sponsored violations of human rights. Other cases mentioned included violence against Indigenous communities, where the report mentioned the attack on Q'eqchi human rights defenders and spiritual leader Adela Choc Cruz. Last May, armed assailants held Cruz hostage and threatened to burn her alive. In a meeting with GHRC's emergency human rights delegation, Cruz explained that the attack was likely linked to her involvement in the anti-mining movement in El Estor.

UDEFEFUGA makes the case that these attacks aim for the complete takeover of the State and the consolidation of a dictatorial regime. The Giammattei administration, according to UDEFEFUGA, has launched a successful takeover of all governmental institutions, stacking them with pro-impunity allies. For Brenda Guillén, of UDEFEFUGA, this State co-option is driving the human rights crisis. "The conditions of the country have generated an increase in violence against human rights defenders," she stated. UDEFEFUGA called upon the international community to support Guatemalan civil society, asking for stronger sanctions against the corrupt actors in both the State and private sector driving this crisis.

- *Further Attacks on Judicial Sector Workers Draw International Condemnation*

On Thursday, March 16, at six in the morning, police and Public Ministry officials arrived at the home of former prosecutor Orlando Salvador López, raided his residence, and arrested him. López is accused of "abuse of authority" for allegedly taking on work as a notary public and lawyer in 2019 while still employed as a prosecutor. Five days later, on March 21, López appeared before the Fifth Pluripersonal Court of First Criminal Instance, Drug Activity, and Crimes against the Environment of Guatemala for his initial hearing. The judge ruled to send him to trial, placing him under house arrest.

López formerly served as head of the Human Rights Prosecutor's Office, where he helped build the prosecution for critical transitional justice cases like the Ixil Genocide and the Creompaz case. His work throughout the years has made him a target of pro-military factions within Guatemala, most notably the Foundation Against Terrorism (FCT), which incidentally is a plaintiff in this case. Following López's arrest, head of the FCT Ricardo Méndez Ruiz celebrated on Twitter, accusing Lopez of "the illegal capture of our war veterans." FCT, working hand in hand with the Public Ministry's Office, has led the charge to punish honest judges and prosecutors, nearly 30 of whom have been forced into exile.

Human rights groups denounced his arrest, interpreting it as yet another politically motivated attack. According to Deputy Director for the Americas at Human Rights Watch Juan Papier, this case exemplifies "a pattern of persecution against prosecutors and judges who investigated corruption and human rights violations in Guatemala." The Observatory, the Unit for the Protection of Human Rights Defenders (UDEFEFUGA), and

the Center for Human Rights Legal Action (CALDH) echoed concerns, calling his criminalization “an act of retaliation for the essential work he carried out as head of the Human Rights Prosecutor's Office to put an end to impunity for the serious human rights violations committed in the framework of the Internal Armed Conflict.”

Days later, the Special Prosecutor's Office Against Impunity (FECI) announced its plans to take legal action against former Commissioner of the International Commission Against Impunity (CICIG) Francisco Dall'Anese. From 2010-2013, Francisco Dall'Anese led the CICIG from 2010-2013, overseeing investigations into high-level corruption. He was succeeded by Iván Velásquez, who also faces investigations from the FECI. UN High Commissioner for Human Rights Volker Türk condemned the move, stating, “It is particularly concerning that administrative and criminal proceedings are being used in apparent reprisal against those involved in investigating and prosecuting cases of corruption or serious human rights violations.”

In a statement, he shared his concerns over the deterioration of rule of law and democracy in Guatemala, citing clear patterns of criminalization against judicial sector workers and potential candidates. In reference to the refusal to register candidates Thelma Cabrera and Jordan Rodas for the People's Liberation Movement (MLP), he said, “The right to participate in public affairs, including the right to vote and to stand for election, is an internationally recognized human right.” He called upon the State of Guatemala to allow judges and prosecutors to work freely without fear of reprisal and ensure free and fair elections.

- *Guatemala Faces International Backlash for Attacks on Freedom of the Press*

On February 28, top prosecutor Cinthia Monterroso called for the investigation of nine journalists associated with the internationally acclaimed newspapers *El Periodico* and the *Prensa Comunitaria*. Monterroso alleged that the journalists opened themselves to charges of “spreading disinformation” and “obstruction of justice” by maliciously pursuing prosecutors, judges, and other members of Guatemala's justice system in their reporting. Judge Jimi Bremer agreed and ordered the Public Ministry to investigate the activity of the nine journalists, as well as the sources of the newspaper's funding.

Civil society organizations condemned the ruling, seeing the investigations as another attack against the media outlet. In July 2022, Guatemalan authorities arrested José Rubén Zamora—president and founder of *El Periodico*—on spurious charges. Despite international condemnation and calls for his release, Zamora has spent the last eight months in pre-trial detention. According to Committee to Protect Journalists Advocacy Director Gypsy Guillén Kaiser, “Judicial persecution against journalists is a mechanism of intimidation, and authorities in Guatemala need to put an end to their campaign to intimidate and threaten the press.”

Hundreds of protesters gathered outside the Supreme Court in Guatemala City, carrying signs and chanting, “We won't be silenced. Without journalism, there is no democracy.”

At the Guatemalan embassies in Mexico City and Washington, DC, supporters stood in solidarity with the journalists, organizing demonstrations and leaving signs calling on the Guatemalan government to stop the criminalization.

US Department of State spokesperson Ned Price [shared](#) his concerns, condemning the attack on freedom of the press. He called upon the “Guatemalan justice system to reject the criminalization of independent journalists and support independent journalism as one of the foundations of a secure and prosperous democratic society.”

### **Citizen Participation and Protests:**

- *La Puya Resistance Demands Participation in Upcoming Consultation Proces*

On Monday, February 27, the La Puya Resistance and Indigenous communities affected by the El Tambor gold mine delivered a [petition](#) to the Guatemalan Ministry of Energy and Mines (MEM). The petition—signed by over 80 organizations and 2,500 individuals—calls upon the government to ensure the surrounding communities' full, free, and safe participation in the court-ordered consultation. The petition also urges MEM to respect the communities' rights without fear of retaliation in the face of a \$400 million arbitration suit filed by the mine's Nevada-based owners Kappes, Cassidy, and Associates.

On March 2, 2012, community members established a peaceful encampment outside the mine, uniting to defend their land and water from an open-pit gold mine threatening their communities. Over the years, KCA employees and state security forces employed harassment, intimidation, criminalization, and violence to destroy the community's efforts to close the mine. In 2014, the resistance filed a legal motion against the mine, and in the end, the community's efforts resulted in victory. On [February 22, 2016](#), the Guatemalan Supreme Court upheld a ruling to suspend all mining operations. The Supreme Court's ruling was based on the grounds that KCA, and its subsidiary EXMINGUA, had initiated operations without prior consultation with affected communities, as is required under Guatemalan and international law, particularly ILO Convention 169.

Now, however, the movement faces challenges. Following the suspension of mining activities, the mining company [sued](#) Guatemala for \$400 million, claiming that the government failed to protect the company's investment. Moreover, MEM has begun the court-ordered consultation process; however, it has already gotten off to a [rocky start](#). So far, the government has refused to accredit a representative of the impacted Indigenous communities for the consultation. Community members fear that MEM and local government entities will follow the same playbook that was used to push through a consultation in El Estor in 2021, when the government declared a state of exception, limiting movement and basic rights, arbitrary arrests, and intimidation with excessive use of force by the security forces continued for weeks. The community's chosen representatives were not allowed to participate in the consultation.

- *Communities and Organizations Announce Protests to Denounce Electoral Fraud*

On March 13, organizations and communities throughout Guatemala held [press conferences](#), announcing upcoming protests scheduled for Thursday, March 16. These protests—denouncing electoral fraud—will combine different sectors of Guatemalan civil society, including Indigenous authorities, human rights organizations, student movements, and more. Demonstrations are scheduled to begin at 8 am with road blockades and sit-ins in front of the Supreme Electoral Tribunal (TSE).

Their response comes in the wake of ongoing irregular activity by the TSE. Over the weekend, magistrates from the TSE [ruled to register](#) Manuel Baldizón as a congressional candidate for the Cambio party, despite [his 2019 conviction](#) by the United States for money laundering and having two other cases pending against him. Meanwhile, the TSE rejected the presidential ticket with the People’s Liberation Movement (MLP) on the grounds that VP nominee Jordan Rodas faces charges related to his role as Human Rights Ombudsman. According to [Marco Bran](#), of the Front of Professionals Against Electoral Fraud, the discrepancy in TSE candidate registration reflects “the decomposition of a system that is already dying.”

The TSE later [repealed](#) its decision, rescinding the registration of Baldizón, but citizens remained disillusioned. Bran stated, “We want to make our position clear as outraged citizens that this cannot continue.” So far, protests are planned in Guatemala City, Quetzaltenango, and Esquintla.

## **US Policy:**

- *Bicameral Resolution Commends Environmental Defenders, Calls for Stronger Protections*

On March 29, Senator Jeff Merkley and Representative Raúl Grijalva introduced a bicameral resolution to support environmental defenders worldwide. The resolution acknowledges defenders' critical role in protecting the environment, combating climate change, and supporting democracy. In the context of rising violence against defenders, it calls upon the US to stand with those most at risk and serve as a leader in implementing robust protection strategies. “We must support environmental defenders worldwide who are exercising their fundamental rights of free expression and association to demand a clean, healthy, and sustainable environment. They are risking everything to protect the environment and their human rights, and we should be doing all we can to support and protect those efforts,” [stated Senator Merkley](#).

Recognizing Latin America as the most dangerous region for human rights defenders, with 1,179 defenders killed since 2012, the [resolution](#) includes examples of emblematic cases in the region. Notably, it mentions defenders from Q’eqchi communities in El Estor, which face “defamation, violent evictions, harassment, and assault by the Guatemalan National Civil Police Force for peacefully protesting the operations of the Fenix mine and growth of palm plantations on their territory.”

The resolution lays out suggestions for the US government to better support defenders, such as creating positions within the State Department and USAID dedicated to protecting defenders, requesting more robust transparency and accountability from both USAID and the Development Finance Corporation (DFC) to ensure that projects do not harm Indigenous communities and environmental defenders, and using the United States' voice and influence in international financial institutions to ensure that funds are not given to any entities that have perpetrated violence against the environment and its defenders. The resolution is also supported by Senators Tim Kaine (D-VA), Cory Booker (D-NJ), Sheldon Whitehouse (D-RI), Alex Padilla (D-CA), and Ben Cardin (D-MD).

- *US Senators Call for Stronger Action on Corruption in Guatemala*

In a [letter](#) addressed to Secretary of State Blinken, seven Senators urged the State Department to hold Guatemalan officials accountable for corruption. Signed by Senators Tim Kaine (D-VA), Bob Menendez (D-NJ), Dick Durbin (D-IL), Ben Cardin (D-MD), Jeanne Shaheen (D-NH), Jeff Merkley (D-OR), and Peter Welch (D-VT), the letter expressed concern about “the continuing deterioration of democracy and the rule of law in Guatemala.” It cited efforts by the Giammettei administration to attack independent judges and prosecutors, journalists, and civil society. According to the senators, “These attacks represent an intentional targeting and hollowing out of key institutions critical to a functioning democracy.”

In response to the ongoing institutional crisis in Guatemala, the senators called upon the Biden administration to take more decisive action, underscoring the need for US policy that creates real consequences for high-level corruption and human rights violations. They asked the State Department to “urgently review and update its approach in Guatemala in a manner that better aligns longstanding US values” and recommended the administration continue denying visas and freezing the economic assets and holdings in the US of those Guatemalan officials and private citizens who have engaged in acts of corruption or human rights violations or who have undermined democratic processes or institutions. Finally, the senators urged the administration to “make clear that the US-Guatemala relationship must remain grounded in a mutual and unwavering commitment to protecting democracy and democratic institutions—without exception.”

### **Corruption and Impunity:**

- *Judge Grants Convicted Former Vice President Qualified House Arrest*

Eva Recinos—judge of High-Risk Court B—granted former Guatemalan vice president Roxana Baldetti qualified house arrest on March 13. To receive treatment for alleged back pains, Recinos ruled to permit Baldetti to leave Santa Teresita Detention Center four times a week. Baldetti was convicted last December, along with former president Otto Perez Molina, for fraud and conspiracy charges; the court sentenced her to 16 years. Despite efforts from the prosecution to have these treatments conducted inside the

detention center, Baldetti will be allowed to return home. Judge Recinos did not establish concrete conditions nor time limitations for Baldetti's therapies.

Meanwhile, the former head of the Special Prosecutor's Office Against Impunity (FECI) in Quetzaltenango, Virginia Laparra, continues to suffer in prison, where authorities regularly deny her access to prompt medical attention. Laparra developed a uterine disease after spending the last year imprisoned and urgently needs surgery. Despite requests from her legal team starting in December, prison authorities have denied her permission to leave the prison to receive treatment. Instead, surgery is planned for sometime in May, but an exact date has not been set.