



## GUATEMALA HUMAN RIGHTS COMMISSION/USA

3321 12th St NE Washington, DC 20017 | 202-998-2191 | [www.ghrc-usa.org](http://www.ghrc-usa.org)

### Summary:

Guatemala earned a spot once again on the IACHR's list of human rights violators, grouped with Cuba, Nicaragua, and Venezuela. The Public Ministry continued to play a role in thwarting justice, removing a lead prosecutor from the Death Squad Dossier Case and sending out warrants for the arrest of the lawyers representing criminalized journalist and founder of *El Periodico*. Tensions with the US ran high once again as the US called for free and fair elections in the wake of allegations of electoral fraud in Guatemala. A leaked memo obtained by Newsweek alleges possible US involvement in the acquisition and buyout of the controversial mine in El Estor to a Canadian mining company. Finally, the remains of the migrants killed in the fire in Juarez arrived home in Guatemala.

### Justice System:

- *Public Ministry Transfers Prosecutor in Charge of Death Squad Dossier Case*

On April 11, the Public Ministry (MP) announced the [transfer](#) of prosecutor Elena Sut Ren from the Human Rights Prosecutor's Office. Sut had worked in the human rights office for over ten years, building critical transitional justice cases such as the Death Squad Dossier and Creompaz. The Public Ministry assigned her a new position in the Prosecutor's Office for Adolescents in Conflict with Criminal Law.

According to the MP, the office transferred Sut for her personal security. Like other judges and prosecutors working on high-profile transitional justice cases, Sut had faced harassment, threats, and [spurious legal cases](#) from pro-impunity groups. In 2022, the Inter-American Court of Human Rights (IACHR) [granted](#) Sut protective measures, ordering the State of Guatemala to guarantee her life, integrity, and ability to exercise independence in this position. Sut had not requested a transfer; she merely requested a security risk analysis.

For transitional justice advocates, this transfer is yet another blow to the Death Squad Dossier Case. In [October 2021](#), Attorney General Consuelo Porras moved the head of the Human Rights Prosecutor's Office, Hilda Pineda, to the Office of Crimes Against Tourists. [Judge Miguel Ángel Gálvez](#)—who oversaw the preliminary phase of the case and ruled to send the nine accused former military officers to trial last May—faced such intense harassment and legal persecution that he resigned and fled Guatemala in November of 2022. [Gálvez stated](#) that his work on the Death Squad Dossier Case “woke up some military components” that “generated the pressure that forced me to leave the country.”

- *Police Arrest Lawyers Connected to Case of Criminalized Journalist*

In the afternoon of [April 20](#), police arrested lawyers Juan Francisco Solózano Foppa and Justino Brito Torres. As lawyers representing criminalized journalist José Rubén Zamora, both face charges of obstruction of justice for allegedly falsifying evidence for the case. Foppa and Torres stepped down earlier this year at the request of Zamora after the Special Prosecutor's Office Against Impunity (FECI) announced its plans to investigate them. Foppa [denied the allegations](#), claiming the charges are “one hundred percent political.”

Human rights and political groups [expressed](#) their solidarity with Foppa, denouncing his arrest as revenge for representing Zamora. Foppa also attempted to run for mayor of Guatemala City in the upcoming elections, but the Supreme Electoral Tribunal (TSE) [denied](#) his registration. According to his mother, [Silvia Solórzano Foppa](#), the arrest was “not only to prevent his electoral participation but also, in this case, to silence him. So that he can't even express his opinion.”

Now, he plans to await his trial from prison, opting to be represented by a public defender rather than a private attorney. “I can no longer defend myself, nor can I defend another colleague,” he said, continuing, “It is unheard of.”

### **Migration, US Policy, and Guatemalan in the International Community:**

- *Remains of Deceased Migrants Killed in Ciudad Juárez Begin to Arrive in Guatemala*

Coffins containing the remains of deceased migrants began to arrive in Guatemala this week. This [tragedy](#) occurred in Ciudad Juárez, in the Mexican state of Chihuahua, on March 27. Forty individuals lost their lives in a fire that broke out in a migrant detention center run by Mexico's National Migration Institute (INM). [Video footage](#) of the horrific incident reveals authorities refusing to unlock the cell holding 68 migrants while flames engulfed the building. Of the victims, 19 were Guatemalans.

Communities across Guatemala mourned the tragic loss of life. From Quetzaltenango to Cobán, families collected their loved ones' remains as they began to arrive from Mexico. In [Totonicapan](#), community members close to one of the migrants held a ceremony to mourn their loss. One of the victim's family members said, “It is a great pain that this tragedy has caused in the village.” In Coban, community members [marched](#) with signs demanding justice for their deceased neighbor.

On April 5, The UN Committee on the Protection of the Rights of All Migrant Workers and their Families (CMW) and the UN Special Rapporteur on the Human Rights of Migrants issued a [joint statement](#) in response to the incident calling for investigations. It stated, “We urge the Mexican State to adequately gather evidence on the causes of the deaths, duly identify the victims and inform their families, and provide the necessary support for the transfer of the bodies.” The statement also condemned the conditions that allowed the tragedy to occur and called upon “Mexico and other States in the region to respect the human rights of migrants, including asylum seekers, comply with their

obligations under the International Convention and comply with the Recommended Principles and Guidelines on Human Rights at International Borders.”

- *US Calls Upon Guatemala to Ensure Free and Fair Elections*

Amidst growing concern over the upcoming Guatemalan elections, Assistant Secretary for Western Hemisphere Affairs Brian Nichols [called on](#) the State of Guatemala to ensure free and fair elections this June. In a tweet, he said, “We support Guatemalans’ right to free, fair, peaceful elections,” and continued, stating, “Democracy depends on all citizens choosing their leaders from all qualified candidates without arbitrary barriers, exclusion, or intimidation. Inclusive, transparent elections protect the peaceful transfer of power.” On June 25, the Guatemalan [general elections](#) will take place. The election will not only choose the new president but also 160 deputies to Congress, 20 to the Central American Parliament members, and 340 mayors for the next four years. However, the hope for free and fair elections is low. On [January 27](#), the Supreme Electoral Tribunal (TSE) denied the registration of the progressive candidates from the People’s Liberation Movement (MLP). Long-time Indigenous activist Thelma Cabrera and former Human Rights Ombudsman Jordán Rodas denounced their exclusion as the first steps in electoral fraud. On March 3, the [Inter-American Commission on Human Rights](#) (IACHR) cited the blocking of their candidacy, calling upon the State of Guatemala to “guarantee political rights, pluralism, and equal participation in the country's upcoming elections.”

Currently, the daughter of the former dictator Efraín Ríos Montt Zury Ríos leads in the polls. Ríos built her political career defending her father—[convicted of genocide](#) in 2013—and other former military personnel against legal proceedings for crimes against humanity committed during the Internal Armed Conflict (1960-1996). In her [platform](#), Ríos promises a strong stance on national security mirroring the controversial policies of El Salvador’s President Nayibe Bukele, which has employed a militarized response to gang violence and land disputes.

- *For a Second Year in a Row, Guatemala Earns Spot on List of Systemic Human Rights Violators*

In its [Annual Report for 2022](#), the Inter-American Commission on Human Rights (IACHR) classified Guatemala as a systemic violator of human rights, placing it under Chapter [IV.B](#) for the second year in a row. The IACHR identified “The presence of other structural situations that seriously affect the use and enjoyment of fundamental rights recognized in the American Declaration” and a “lack of will” from the Guatemalan government to address these issues.

The report cites concerns about significant setbacks in the fight against corruption and impunity. The IACHR denounced the manipulation of the justice system to criminalize judicial sector workers working on cases of high-level corruption and transitional justice related to the internal armed conflict. As a result, 30 justice sector operators have been forced into exile. According to the report, spurious cases—made possible by the

cooperation of the Public Ministry—were widely used to intimidate judges and prosecutors and human rights defenders, activists, and journalists. As stated by the IACHR, “These facts call into question the commitment of the State to its obligation to combat impunity and corruption, and to guarantee the independence of the judiciary and, therefore, the very exercise of the human rights of the Guatemalan people.”

Finally, the IACHR called upon the state of Guatemala to comply with the recommendations outlined in the 2021 Annual Report that have yet to be achieved. Specifically, Guatemala is asked to address the fight against corruption and impunity, uphold judicial independence and the rights of judicial operators, support institutional frameworks for peace and human rights, and protect freedom of expression.

### **Megaprojects and Environmental Defenders:**

- *US Allegedly Linked to Buyout of Controversial Mine in El Estor*

A leaked memo obtained by [Newsweek](#) indicates the potential involvement of the US in the acquisition of the Fenix Nickel in El Estor, Izabal. The article published by *Newsweek* alleges that the US is helping facilitate the buyout of the mine by Canadian mining company “Central American Nickel” (CAN) for a “substantial discount.” Valued at \$1 billion, the Fenix Mine is a massive nickel mining operation currently owned by the Solway Investment Group that produces about 1,000 tons of nickel each month. Operating on and off since the 1960s, the mine carries a long [history of human rights abuses](#) and strong opposition from the neighboring Indigenous Q’eqchi communities in and around El Estor.

Last November, the US treasury sanctioned the Guatemalan assets of the Switzerland-based Solway Investment Group amid allegations of Russian influence peddling, ecological damage, and serious human rights violations. A Solway representative told *Newsweek*, “Solway has no intention of selling its assets in Guatemala.” The memo, however, reveals that a US diplomat in the embassy is working closely with CAN to facilitate the transfer of the mining facilities and has involved the Development Finance Corporation (DFC). According to the article, the DFC has agreed to invest more than \$300 million to expand nickel processing. Denying these allegations, Spokesperson Pooja Jhunjhunwala later told *Newsweek* that the “DFC is not providing political risk insurance or other financing to a nickel project or related processing facilities in Guatemala.”

Q’eqchi land defender Olga Choc Che said, “Any operation of the mine without a proper consultation is illegal.” A 2020 Constitutional Court ruling mandated that the company suspend all mining operations until it could consult with the impacted Indigenous communities. The consultation process, however, was marred with [irregularities and violence](#), including using a “state of siege” to limit the participation of certain communities. Mining activities resumed in early 2022. Che confirmed with our team that

rumors of US involvement in the buyout began circulating in El Estor late last year, but she has not heard any specific details. *Newsweek* continues to be the only news source reporting on this information.

- *Environmental Defender Proves His Innocence Once More*

On April 19, Judge José Alfredo Quiñónez Lemus [ruled to acquit](#) environmental defender and teacher Bernardo Caal Xol of fraud. Caal faced a complaint filed by the Ministry of Education (MINEDUC) in 2017 related to his work at a primary school in the Sibiete village of Chisec, accusing Caal of wrongfully collecting a salary for periods that he was absent from school. While the complaint was administrative in nature, the Public Ministry sought to bring criminal charges against him.

Americas Director at Amnesty International, [Erika Guevara-Rosas](#), denounced patterns of criminalization in Guatemala, stating, “It’s regrettable that in Guatemala unfounded criminal prosecutions aimed at harassing and obstructing the work of human rights defenders – particularly environmentalists and Indigenous people, and those who fight against impunity and corruption – are such a common tactic.” As a Q’eqchi land defender, Caal has already faced criminalization at the hands of private companies and the Public Ministry. He served four years of a seven-year sentence on [trumped-up charges](#) and was named a prisoner of conscience by Amnesty International. In [March 2022](#), the court ruled to release Caal. Now, he walks free without any pending charges against him.