



GUATEMALA HUMAN RIGHTS COMMISSION/USA

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Human Rights Update January 2022

Summary:

As Guatemala enters an election year, corrupt forces have accelerated their attacks on those in the fight against corruption and impunity. After her internationally condemned conviction in December, criminalized special prosecutor Virginia Laparra faces even more charges from the Public Ministry. The current Special Prosecutor Against Impunity (FECI) expanded its reach internationally, announcing the opening of investigations into former leader of the International Commission Against Impunity and current Defense Minister of Colombia Iván Velásquez. Relations between Guatemala and Colombia soon soured, with both countries pulling out their ambassadors. In the wake of ongoing criminalization and attacks, the presidential ticket—consisting of Indigenous activist Thelma Cabrera and former Ombudsman Jordan Rodas— with the People’s Liberation Movement (MLP) was rejected by the Supreme Electoral Tribunal.

Criminalization:

- *Public Ministry Releases New Warrants and Opens Investigation into Colombia’s Defense Minister*

On [January 16](#), Rafael Curruchiche—current head of the Special Prosecutor's Office Against Impunity (FECI)—announced via the social media pages of the Public Ministry (MP) the release of new arrest warrants of former attorney general Thelma Aldana, the former secretary of the MP Mayra Véliz, former investigator at the International Commission Against Impunity in Guatemala (CICIG) and current member of Transparency International Guatemala David Gaitán, and private attorney Juan Pablo Carrasco for the crimes of obstruction of justice, conspiracy and abuse of authority in relation to their work on the Odebrecht case. In 2018, the CICIG opened an investigation into bribes accepted by Guatemalan officials from Odebrecht—a Brazilian construction company that admitted to distributing nearly \$800 million in bribes [across Latin America](#).

The MP also announced that it "will undertake corresponding legal actions" against Iván Velásquez, a Colombian national who led the CICIG between 2013 and 2018. Last year he was appointed as Colombia’s Minister of Defense and has served in the position since August. In his tenure with CICIG, Velásquez prosecuted many high-profile Guatemalans for corruption, including former president Otto Pérez Molina, who was convicted last December of fraud and racketeering and sentenced to 16 years in prison. Velásquez also worked on cases against the heads of Guatemala’s central bank, customs and tax officials, legislators and political party leaders, making himself an enemy of those seeking to preserve impunity in Guatemala. In 2019, the Guatemalan government [dismantled the](#) CICIG, claiming that it abused its authority and violated the constitution. Former

President Jimmy Morales ordered the removal of all CICIG staff from the country, including Velásquez.

In the wake of the announcement from the MP, tensions have run high between Guatemala and Colombia. Colombian President Gustavo Petro responded, [stating](#) “I will never accept an arrest warrant for our minister.” According to President Giammattei, however, no charges have been filed against Velásquez, the MP has just opened investigations. On Monday, Colombia’s Foreign Ministry [recalled](#) its ambassador to Guatemala with Guatemala following suit soon after.

Beyond Colombia, the reaction from the international community has also been strong. Deputy director for the Americas at Human Rights Watch Juan Pappier reacted to the news, stating, “it is not about Iván Velásquez. It's about Guatemala, where corruption is sweeping away human rights.” Echoing Pappier, Assistant secretary for the Western Hemisphere at the State Department [Brian Nichols](#) tweeted, “I am disturbed by the arrest warrants for individuals who worked to ensure accountability for corruption in the Odebrecht case in Guatemala. These actions undermine the rule of law and trust in the Guatemalan judicial system.” The UN High Commissioner for Human Rights [Volker Türk](#) expressed his concern over “the attacks against those trying to combat one of the worst viruses to afflict any society: corruption.” He added, ““It is dramatic, given Guatemala’s history, that those fighting for accountability for gross human rights violations are the ones now being persecuted.”

- *Virginia Laparra Faces Even More Charges*

Less than a month after her conviction for “abuse of authority,” former head of the Special Prosecutor’s Office Against Impunity (FECI) in Quetzaltenango Virginia Laparra will face a second case against her. On January 3, Laparra was transferred from the Matamoros prison—where she is currently being held—to the Criminal Court of First Instance in Quetzaltenango and was forced to sit through a 15-hour initial hearing for new charges made against her. Judge Carmen Lucía Acú ruled to open the case for which Laparra is accused of “revealing confidential information,” and ordered that she be kept in pretrial detention pending the intermediate phase hearing, scheduled for April 21, 2023. Laparra has been detained since February 2022.

Given the lack of notice, Laparra requested to suspend the hearing to allow her defense time to prepare. Her request, however, was denied. In fact, her defense was expelled from the courtroom along with the press and human rights observers with the Unit for the Protection of Human Rights Defenders (UDEFEUGA). UDEFEUGA and the World Organization Against Torture, in a [joint statement](#), identified the events as “a grotesque exercise of judicial bias,” stating, “the judicial system is merciless against Virginia Laparra.”

On [January 18](#), the United Nations High Commissioner for Human Rights (OHCHR) released a statement condemning criminalization of judicial workers in Guatemala,

stating, "There has been a steady increase in the number of cases of harassment and criminal charges against its [Guatemala's] former officials, and prosecutors." Between 2021 and 2022, the OHCHR recorded more than 70 percent increase in the number of justice officials facing intimidation and criminal charges for their work on corruption or human rights violations.

2023 Election:

- *Supreme Electoral Tribunal Blocks Registration of Progressive Presidential Ticket*
On January 28, in a resolution, the Registry of Citizens of the Supreme Electoral Tribunal (TSE) [rejected](#) the Presidential Ticket of Thelma Cabrera and Jordan Rodas for the People's Liberation Movement Party (MLP). Claiming that the registration of former Ombudsman and Vice Presidential hopeful Jordan Rodas was not valid, the TSE argued that Rodas cannot run for Vice President because he currently faces legal complaints and charges. The party was given three days to challenge the resolution.

MLP party leadership [filed an appeal](#) to annul the resolution on January 30, rejecting the decision to block its presidential nomination. The legal team was joined by a crowd carrying signs and who chanted in protest of the decision as the team delivered the appeal to the TSE headquarters. Rodas responded on [twitter](#), stating, "Democracy in Guatemala has taken another step backwards; they fear the people and their sovereign decisions." "With that decision that they made, they are demonstrating electoral fraud. The decision is not against him [Rodas] but against the participation of the people," [Cabrera](#) said.

Meanwhile, presidential tickets from ten other parties were authorized, including the nomination of [Zury Ríos](#) for the VALOR-Unionista party. Ríos is the daughter of former dictator Efraín Ríos Montt, who ruled from 1982 to 1983 and was convicted of genocide in 2013.

Transitional Justice:

- *One Year Post-Victory, Achi Women Press State to Carry Out Reparations*

On the one-year anniversary of their victory over their abusers, survivors from the Mujeres Achí, or "Achi Women," case demanded compliance with the last year's sentence. On January 24, 2022, High Risk Court "A" ruled in favor of the Achi Women, sentencing the five former Civil Defense Patrolers (PAC) to 30 years in prison for crimes against humanity in the form of sexual violence. The sentence—delivered by Judge Yasmin Barrios—also included a list of reparation measures to benefit the survivors, their communities, and Guatemala more broadly. Represented by the Rabinal Legal Clinic (ABJPR), the women [filed a request](#) to resolve pending appeals and carry out the reparation measures.

Organized into the four categories of economic compensation, rehabilitation, satisfaction, and guarantee of non-repetition, the [reparations](#) include provisions to not

only assist the direct victims, but future generations. In addition to compensation, the reparations measures call for the installation of health centers in the communities of the survivors, training programs on human rights and violence and women, and training for state security forces. According to survivor and leader Maxima Valey, however, the reparations, “have not been realized in our communities.” In March, The Attorney General’s Office [denied responsibility](#) for carrying them out, claiming that many of the measures are already addressed in the 1996 Peace Accords. The women rejected its decision, [urging](#) that “the public institutions that were identified as responsible for fulfilling the reparation measures assume an active role and initiate the necessary actions to implement each measure.”

[Last September](#), the women shared their demands with policymakers and government officials in Washington, DC. After accepting one of the Washington Office on Latin America’s (WOLA) 2022 Human Rights Awards, Valey exposed the lack of compliance by the Guatemalan government in a series of meetings arranged by GHRC. She told our team that while she feels an immeasurable pride in having won the case, “that was just the beginning.” She continued, “We will keep fighting until the last reparation is carried out.”