



GUATEMALA HUMAN RIGHTS COMMISSION/USA

3321 12th St NE Washington, DC 20017 | 202-998-2191 | www.ghrc-usa.org

October/November 2022

Summary:

In yet another concerning two months, the situation in Guatemala continues to worsen. After months of defamation and threats, Judge Miguel Ángel Gálvez Gálvez was forced to resign and joined the 30 other judicial sector workers in exile. Irregularities abounded in the Guatemalan judicial system, as the trial against criminalized former prosecutor Virginia Laparra began and the fate of the Death Squad Dossier case hangs in the balance now overseen by infamous pro-military judge Claudette Domínguez. Violence against defenders and Indigenous communities has soared, with a violent attack on defenders in El Estor and another violent eviction in Baja Verapaz by Guatemala security forces. Meanwhile, the US Department of Defense handed over 95 tactical vehicles to the Guatemalan military outside of the Mariscal Zavala military base, incidentally where world renowned journalist Ruben Zamorra has been held since July.

US - Guatemala Relations

- *US Congressional Offices Introduce Resolution on Guatemala*

On November 16, responding to the constant deterioration of rule of law and human rights conditions in Guatemala, Representatives Norma Torres (D-CA), Albio Sires (D-NJ), Jesus “Chuy” Garcia, James P. McGovern (D-MA), and Joaquin Castro (D-TX) introduced the “Restoring Human Rights and the Rule of Law in Guatemala” resolution (H.Res 1481) in the House of Representatives. The resolution condemns the kleptocratic takeover of Guatemala’s institutions, illustrating an unprecedented situation in Guatemala since the signing of the Peace Accords. Citing attacks on judicial sector workers, rising violence against human rights defenders, and the complete breakdown of rule of law, it calls on the US to take stronger action.

“Alarm bells have been going off in Guatemala for quite some time,” said Rep. McGovern, continuing, “This resolution lays out a series of steps that should be taken immediately before corruption takes over completely.” The resolution calls for the suspension of military aid to Guatemala; safeguards to ensure that investments are not arriving to benefit corrupt elites; the investigation and freezing financial assets of corrupt Guatemalan individuals in the US banks; and stronger support from the US to Guatemalan human rights defenders, justice operators, and those increasingly at risk for their work.

Dozens of human rights organizations, including GHRC, welcomed the resolution, expressing concern over “the dramatic closure of civic space that affects Guatemalan Indigenous leaders, human rights defenders, and journalists.” According to GHRC

Advocacy Director Corie Welch, “The United States has an obligation to support human rights in Guatemala and this resolution serves as an important first step to holding those responsible for the worrisome backsliding in Guatemala accountable.”

- *US Donates \$4.4 million Worth of Equipment to Guatemalan Military*

On October 13, amidst a crackdown on human rights defenders, journalists, and judicial sector workers in Guatemala, the US Embassy donated \$4.4 million worth of equipment to the Guatemalan military. In a very public ceremony held at the Mariscal Zavala base—incidentally where prominent journalist José Rubén Zamora and the financial director of his newspaper El Periodico Flora Silva are being held on baseless charges—Ambassador William Popp shook hands with military officials to finalize the hand over of 95 tactical vehicles. According to the Embassy’s [press release](#), the donation, which comes from the [Department of Defense](#), “concludes the US Fiscal Year 2019 proposal to donate equipment to support border security efforts in Guatemala.”

Within the last five years, vehicles from the US have been used against human rights defenders and anti-corruption advocates. In [2018](#), as then President Jimmy Morales began his campaign to expel the International Commission Against Impunity (CICIG), Guatemalan armed forces circled its offices, the US Embassy, and the homes of prominent human rights defenders in donated military jeeps from the US. More recently, the jeeps were used to [intimidate Indigenous human rights defenders](#) from El Estor last October. President Giammattei declared martial law following a protest against an illegal mine that continues to harm the environment and local communities. Eye witnesses claim that several of these US J8 jeeps arrived with the other hundreds of police and military vehicles that occupied their town during the state of siege.

Civil society organizations responded in a [statement](#), expressing their “profound dismay at the extraordinarily counterproductive decision by the Defense Department to reward the Guatemalan military.” The group argued that the donation directly undercuts US policy objectives to support rule of law in Guatemala, pointing to the US State Department decision not to certify Guatemala under the State, Foreign Operations Law for the 2022 Fiscal Year. This decision will freeze at least 50% of aid from the United States given Guatemala's failure to maintain standards on rule of law and human rights. The group stated, “The failure of the USG [United States Government] to maintain a consistent, principled stance against the corrupt takeover of the Guatemalan state is confounding, counterproductive—and wrong.” According to Director of the Center for Human Rights Legal Action Hector Reyes, “The US cannot continue prioritizing stopping migration over human rights.”

Justice System, Criminalization, and Transitional Justice Cases

- *Attacks Against Judge Miguel Ángel Gálvez Reach Tipping Point Forcing him to Resign*

In a [press conference](#) on November 15, Judge Miguel Ángel Gálvez announced his resignation. As a judge for high risk court “B,” with over twenty years of experience and

international recognition for his work as an independent judge, Gálvez oversaw a myriad of important cases like the Ixil Genocide Case, among others. In spite of international support, including from the US State Department, Gálvez was forced to flee in the face of an increasingly hostile campaign against him that could have resulted in imprisonment or death.

This year, after ruling to send nine former military officers to trial in the “Death Squad Dossier Case,” Gálvez began to face serious instances of defamation, harassment, intimidation, and even death threats. Members of the Foundation Against Terrorism—an far-right, pro-military group behind the vast majority of spurious legal proceses mounted against honest judges and prosecutors—threatened Gálvez publicly on their social media accounts, promising to oust and exile him. According to transitional justice experts Jo-Marie Burt and Paulo Estrada, “Corrupt officials and war criminals alike seek to make an example out of High-Risk Judge Miguel Ángel Gálvez,” continuing, “They tolerate no obstacles in their efforts to restore total impunity in Guatemala.”

Galvez is currently in Costa Rica, where he has been since November 4. According to sources, he is unable to return to Guatemala and is now exiled. He joins 30 other judicial sector workers forced into exile under the Giammattei administration.

- *Death Squad Dossier Case Assigned New Judge, Irregularities Abound*

Following the resignation of Judge Angel Galvez on November 15, the Death Squad Dossier case was temporarily assigned to Judge Claudette Domínguez. Until a new judge is assigned to replace Judge Galvez, Domínguez will oversee the trial against nine former military and police officials, accused of being responsible for the illegal detention, torture, forced disappearance, homicide and sexual violence against at least 195 people during the de facto government of General Óscar Mejía Víctores, between 1983 and 1985.

In the short time since her assignment, human rights groups have condemned irregularities and blatant attempts to sabotage access to justice for the victims in the case. First, in a resolution issued on November 28, Judge Domínguez granted substitutive measures in favor of the defendant Toribio Acevedo, on the grounds that he suffers from serious health problems. Acevedo, who was a fugitive for almost a year until his arrest in Panama in May of this year, was indicted by Judge Galvez for crimes against humanity, forced disappearance, murder and attempted murder. According to Guatemalan law, however, those accused of murder are prohibited from being granted house arrest.

Second, Judge Domínguez has a history of favoring the military and ruling against victims in transitional justice cases. The International Commission against Impunity in Guatemala (CICIG) accused her of favoring people accused of serious corruption. In both the Creompaz Case and the Achi Women sexual violence case, she dismissed the accusations brought forward by the victims and was eventually recused for lack of impartiality on the case.

Human rights organizations expressed concerns for the future of the case, stating that “decisions such as those recently issued by Claudette Domínguez and the First Chamber of the Court of Appeals represent a serious setback in the fight against impunity and the rights of the families of the victims, who have waited more than 40 years to find justice.” The group called upon the State of Guatemala to “comply with its international obligations in this regard and request the international community to continue to watch over the rights of the victims to have access to prompt and fulfilled justice.”

- *Amnesty International Declares Virginia Laparra Prisoner of Conscience as Trial Begins*

Following eight months in prison, the trial against the former head of the Special Prosecutor’s Office Against Impunity (FECI) in Quetzaltenango Virginia Laparra began in Guatemala City. Laparra is accused of an administrative crime for having allegedly abused her authority for denouncing a judge in 2018. According to Laparra’s legal defense, however, her “only mistake was having denounced corruption.”

The trial opened with the presentation of evidence. Testimony from Juan Francisco Sandoval—former head of the FECI currently exiled in the US—was rejected after the court denied a request from Laparra’s legal team to allow Sandoval to testify via video call. Instead, the court ruled that he must testify at the Guatemalan consulate in Washington, DC. Given his ongoing asylum case in the US, he was unable to testify and was recused as a witness.

Since Laparra’s arrest in February, human rights organizations have continued to call for her immediate release. Days after trial began, Amnesty International declared Laparra a “prisoner of conscience,” demanding her freedom. According to Erika Guevara-Rosas, Americas Director at Amnesty International, “We have found serious shortcomings as regards the charges against former prosecutor Virginia Laparra, as well as multiple irregularities in the handling of the case. Not only is there no solid evidence that she has committed any crime, but it is clear that the reasons given by the court for rejecting her requests to be released while proceedings continue are arbitrary.” The trial is set to continue through December. Laparra faces up to nine years in prison if convicted.

- *MP Releases Additional Arrest Warrants Against Anti-Corruption Attorneys*

On October 19, police raided the home of former head of the International Commission Against Impunity (CICIG) Leily Sentizo. Shortly after, Rafael Currichiche—the current head of the Special Prosecutor’s Office Against Impunity (FECI)—announced on social media the release of another arrest warrant against the former prosecutor as well as former head of the FECI Juan Francisco Sandoval for alleged “obstruction of criminal action.” The warrants are a result of a criminal complaint filed by the Foundation Against

Terrorism related to a phone conversation that was intercepted between Sentizo and Sandoval earlier this year.

Further details, however, have not been made public by the Public Ministry or overseeing courts. In fact, Sentizo's defense team denounced that the prosecutors on the case have refused to share the forensic report. Meanwhile, privileged information is surfacing on anonymous social media accounts, some of which before any official announcement was made. In a statement, international human rights groups condemned the acts of criminalization that "have shown a pattern in which the events that will happen, are publicized in advance through social network accounts of private actors that should not have any relationship with institutions such as the Judiciary and the Public Prosecutor's Office." According to the Unit for the Protection of Human Rights Defenders (UDEFEQUA), "This new case is the criminalization of the practice of law and the right of the accused prosecutors to defend themselves."

That same day, while Virginia Laparra was awaiting the start of a hearing to review the measures forcing her to await her trial from prison, the Foundation Against Terrorism and anonymous accounts began to leak information about a new arrest warrant had been issued against her. As former head of the FECCI in Quetzaltenango, Laparra was arrested in February as part of a string of arrests made against anti-corruption attorneys. She has been forced to wait her trial from prison, in conditions that have been condemned as inhumane and "torturous." At the end of the hearing, she received official information that an Urgent Proceedings Judge had ordered her arrest for the alleged crime of "disclosure of reserved information." She was denied bail once again.

According to the World Organization Against Torture (OMCT) these new acts of criminalization against Juan Francisco Sandoval, Leily Santizo and Virginia Laparra "take place in a context of deliberate erosion and weakening of the rule of law in Guatemala, which aims to create a climate of fear, as well as the co-optation of the judicial system to guarantee impunity for the criminal networks that operate in the country."

Violence Against Defenders

- *Armed Group Attack Defenders in El Estor*

On the morning of October 26, following widespread rumors on social media that police were on their way to El Estor to carry out arrest warrants related to the October 2021 anti-mining protests, thousands of police arrived at the dock of Chapin Abajo. According to community members, they arrived by land, sea, and air. Eye witnesses report that two boats—one official military ship and another owned by the local palm oil company NaturAceite—arrived suddenly at the pier, dropping 2000 officers clad in full riot gear. Three helicopters also circled overhead in what one community member described as like "the times of war."

To capture nine indigenous authorities, the police attempted to enter the community, but were blocked by a row of Q'eqchi' women leaders. According to one Indigenous Authority, in order to enter the community, the police needed to "request permission from the Community Development Councils (COCODES) and from us, the ancestral authorities." Rather than engage in dialogue, the group of security forces began to taunt the women, demanding they let them pass and calling them racial slurs. The police then began to use force against the women and other community members, firing teargas and, according to witnesses, live rounds into the crowd. No one was reported injured.

Following the altercation, the police began circulating flyers with pictures and names of the nine authorities they tried to arrest, offering a reward and calling the defenders "fugitives of the law." The warrants are related to the participation of the defenders in the anti-mining movement in El Estor. Thirteen others, including journalist Carlos Choc, have faced warrants for their arrest related to the state of siege in El Estor last October. This worrisome trend in El Estor reflects a national pattern, where human rights defenders are facing rising criminalization.

- *Security Forces Carry Out Violent Eviction in Baja Verapaz*

On November 21 in Baja Verapaz, hundreds of Guatemalan security forces—including both military and National Civil Police (PNC)--gathered, preparing to evict several communities in the area. Notified of their intentions and in fear of their lives, community members from Pancoc and Monjon fled their homes, which were subsequently raided by security forces who then proceeded to eat their food and kill their livestock. One community member was reportedly injured in the process.

This most recent attack by police falls into a worrisome pattern in both Alta and Baja Verapaz, where Indigenous communities have faced increased violence from security forces carrying out eviction orders. The communities of Dos Fuentes and Washington shared their concerns that they could be the next target. In October of 2020, the Inter-American Commission on Human Rights granted both communities protective measures, requiring the Guatemalan government to ensure the personal integrity of the Poqomchi' families, take culturally appropriate measures to improve their living conditions, prevent future attacks from third parties, and investigate attacks that have been made against them.

Since 2020, however, these two and all Indigenous communities in the Verapaces regions face a higher risk for violence and other forms of repression like criminalization. For example, in 2021, the Guatemalan government established the Observatory on Property Rights—a special prosecutor's office specifically designed to address crimes of usurpation. As seen across Guatemala and throughout the region, the crime of usurpation is often leveled against Indigenous communities and land defenders in the process of reclaiming their ancestral territories.

Militarization across the Verapaces and specifically in the Sierra de Las Minas region has expanded, as evidenced by the heavy presence of military and police forces. In July of this year, GHRC's Emergency Human Rights Delegation documented increased presence from security forces, including hundreds gathered outside of a gas station in Purulha, en route to evict an Indigenous community. In September of this year, the Guatemalan army established its first new military brigade in ten years, to be based in Baja Verapaz.

Indigenous communities have reported the impact of such militarization on their wellbeing, including both physical and mental health. Community members report that the increased presence of military forces around their communities is reminiscent of terror campaigns used during the internal armed conflict, where hundreds of thousands were brutally killed and/or disappeared. Now, families are unable to move freely to carry out essential tasks for their daily life. In an alert published by GHRC, we called on the state of Guatemala to “guarantee the right to life, safety and security of the community members” and to cancel any pending warrants for evictions that violate human rights and basic international norms and put Indigenous communities at grave risk.

Civil Society

- *Far Right Group Targets Prominent Human Rights Organization*

After accompanying criminalized former prosecutor Virginia Laparra to her most recent hearing, the Unit for the Protection of Human Rights Defenders (UDEFEGUA) was hit with a new wave of defamation on social media. The prominent human rights organization—recognized internationally for over two decades of exceptional work advocating for human rights defenders in Guatemala—has been accused by the Foundation Against Terrorism of profiting off of international support and donations.

Human rights groups in Guatemala came to UDEFEGUA's defense, publishing a series of statements on social media in support of the organization and its essential work. For more than 20 years, UDEFEGUA has been committed to supporting human rights in Guatemala, documenting attacks, accompanying defenders, and advocating for those at risk. According to the Human Rights Convergence, “This situation of open threats against UDEFEGUA, as well as the collusion of judicial authorities to impede its labor, represents an enormous risk to an organization that is fundamental to the exercise of human rights in Guatemala.”

- *Human Rights Groups Raise Concerns over Regional Slide into Authoritarianism*

From October 10-14, human rights defenders from Central America visited Washington, DC to share their concerns over what they identified as a “regional slide into authoritarianism.” This coalition—consisting of human rights groups from Guatemala, El Salvador, Honduras, and Nicaragua—was formed to address common issues and trends in the region. In a packed four days, the group—accompanied by GHRC—met with congressional offices, the State Department, the Inter-American Commission on Human Rights, and several DC- based human rights groups.

Guatemalan representatives with the Center for Human Rights Legal Action (CALDH) and Indigenous Peoples' Law Firm highlighted their concerns regarding the dramatic regression in human rights in Guatemala. In particular, they emphasized the lack of protections for human rights and land defenders, as institutions are overtaken by corrupt forces. The group called for stronger action from the US government, including robust support for civil society and human rights defenders, the suspension of security aid to the region, and the re-evaluation of pending loans in order to ensure compliance with human rights standards.

- *Organizations Form National Resistance Coalition*

In a press conference held on October 2, human rights groups came together to announce the creation of a non-violent coalition dedicated to fighting corruption and resisting what they identified as a mounting dictatorship in Guatemala. Named the “National Resistance Convergence” or CNR, the group has formed to resist and counteract the capture of institutions by elites in Guatemala and democratic backsliding. In the press conference, representatives from CNR called for “unity and organization, for nonviolent participation and resistance so that together we can dream and work for a different Guatemala fighting against corruption, impunity and electoral fraud in 2023.”

The group consists of 52 representatives from 13 social organizations in Guatemala and is led by Cardinal Álvaro Ramazzini. It also announced its commitment to remaining non-violent and non-partisan. The press conference ended with a call to all sectors of civil society, encouraging diverse inclusion in the resistance.